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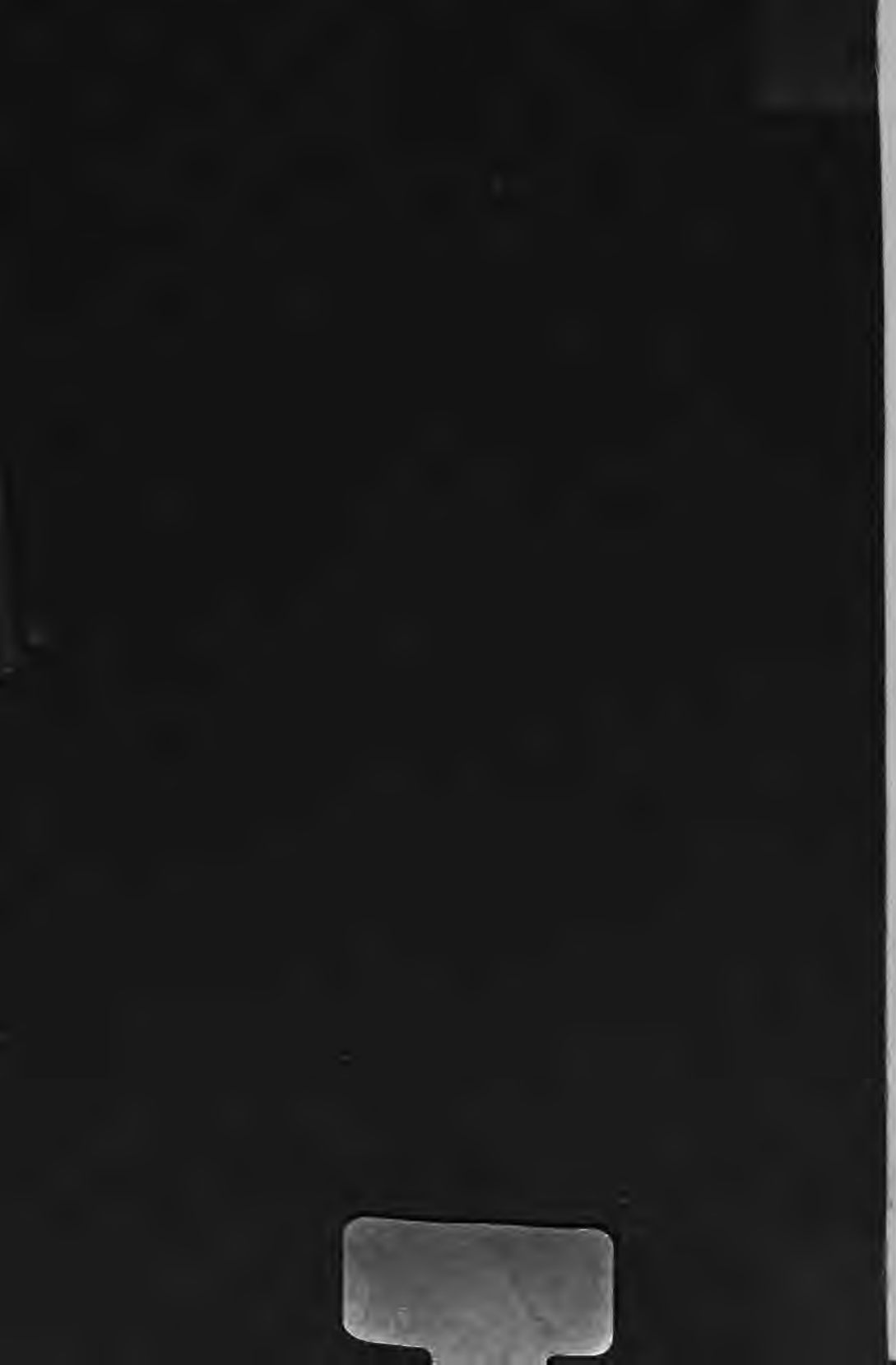
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Arabian Book





ACTS  
AND  
RESOLUTIONS  
OF THE  
GENERAL ASSEMBLY,  
OF THE  
STATE OF ARKANSAS,

*Passed at the Session held at the Capitol, in the City of Little Rock,  
which Began on Monday, January 12th, and Adjourned  
on Saturday, March 28th, 1885.*

BY AUTHORITY.

LITTLE ROCK:  
A. M. WOODRUFF, STATE PRINTER.  
1885.

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# PUBLIC AND PRIVATE ACTS

## AND

# JOINT AND CONCURRENT RESOLUTIONS

## AND MEMORIALS

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PUBLIC AND PRIVATE ACTS  
AND  
JOINT RESOLUTIONS AND MEMORIALS  
OF THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF ARKANSAS,

*Passed at the Session held at the Capitol in the City of Little Rock, Ark, commencing on the 12th day of January, A. D. 1885.*

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ACT I.

AN ACT to Appropriate Money to Pay the Mileage, per Diem and Contingent Expenses of the General Assembly.

SECTION.

1. Makes appropriation to pay per diem and mileage of the General Assembly.
2. Act takes effect and in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the sum of seventy thousand dollars be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay the mileage, per diem and contingent expenses of the General Assembly.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved January 19th, 1885.

D.

## ACT II.

AN ACT to fix the time for the holding the Circuit Courts in the Eleventh (11) Judicial Circuit.

## SECTION.

1. Fixes times for holding the Circuit Court in the Eleventh Judicial Circuit.
2. Makes all writs and processes returnable so as to conform to this Act.
3. Repeals all conflicting laws, and takes effect and force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the terms of the Circuit Courts in and for the Eleventh (11) Judicial Circuit shall be held as follows, to-wit: In the county of Desha, at the county seat, commencing on the fourth (4th) Monday of January and July in each year. In the county of Desha, at Watson, for the Watson district of said county, commencing on the third (3d) Monday of February and August in each year. In the county of Lincoln, commencing on the fourth (4th) Monday of February and August in each year. In the county of Arkansas, commencing on the second (2d) Monday of March and September in each year. In the county of Jefferson, commencing on the fourth (4th) Monday of March and September in each year.

SEC. 2. That all writs and other judicial process issued, and to be issued from said courts, shall be returnable so as to conform with the provisions of this Act, and all recognizances and bail bonds which have been heretofore, or may hereafter be entered into or executed, shall bind the parties thereto and [to] appear at the time mentioned in this Act, under the same penalties for forfeitures that are now prescribed by law.

SEC. 3. That all laws and parts of laws in conflict with the provisions of this Act be, and they are, hereby repealed, and this Act take effect and be in force from and after its passage.

Approved January 23, 1885.

J.

ACT III.

AN ACT to change the time of holding the Circuit Court in the Ninth Judicial Circuit in this State.

SECTION.

1. Changes and fixes anew times for holding Circuit Courts of the Ninth Judicial Circuit.
2. Makes all writs and processes returnable, to conform to the provisions of this Act.
3. Repeals all conflicting laws or parts of laws, and Act takes effect and force from passage

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That hereafter the Circuit Courts in and for the Ninth Judicial Circuit shall be begun and holden in the several counties composing said circuit as follows: In the county of Lafayette on the first Mondays of March and September of each year. In the county of Nevada, on the first Mondays of May and November of each year. In the county of Hempstead, on the first Mondays of April and October of each year. In the county of Miller, on the first Mondays of June and December of each year.

SEC. 2. That all suits now pending, and all writs and processes in civil and criminal cases returnable to the regular terms of the circuit courts, as now fixed by law for the aforesaid counties, be and they are hereby made returnable to the terms fixed in this Act. And all bail bonds and recognizances for the appearances of defendants at the regular terms of said courts as now fixed by law, be, and they are hereby declared to be, legal and binding for the appearances of said parties at the terms of said courts as fixed by this Act.

SEC. 3. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed, and this Act take effect and be in force from and after its passage.

Approved January 24th, 1885.

ACT VI.

AN ACT to provide for the proper display of the products of Arkansas at the World's Industrial and Cotton Centennial Exposition at New Orleans.

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**PREAMBLE.**

Recites necessity of appropriation to aid Commissioners to make proper display of resources of the State

**SECTION.**

1. Appropriates \$5,000.00.
2. Places appropriation at disposal of the Governor for disbursement.
3. Act in force from passage.

*Whereas*, Experience has demonstrated that the producing capacity and other advantages of a State desiring immigration, can in no other manner be so widely and so wisely advertised to the world, as by collecting and exhibiting specimens of its products and evidences of its prosperity, at the great industrial expositions which occur from time to time in different parts of the country ;

*And, whereas*, It is desirable that the State of Arkansas avail itself of the conspicuous opportunity now offered by the great Exposition at New Orleans, an opportunity which will enable capital and labor to wisely select new fields of investment and development ;

*And, whereas*, An inferior representation of the vast and varied advantages which Arkansas really possesses, but which would be overshadowed by the larger and more complete exhibit of other States, so far from being an advantage, would positively retard the growth and advancement of our great State ;

*Now, therefore*, In order that Arkansas may occupy the position which her rank and importance in the great sisterhood of States justly entitles her to claim—

*Be it enacted by the General Assembly of the State of Arkansas ;*

**SECTION 1.** That the sum of five thousand (\$5,000.00) dollars be, and the same is, hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, to accomplish and carry out the purposes expressed in the preamble to this Act.

**SEC. 2.** That said sum of money be placed at the disposal of the Governor, to be by him paid out, disbursed and expended in his discretion to defray the expenses of the exhibit aforesaid.

SEC. 3. That this act take effect and be in force at and from the date of its passage.

Approved January 27th, 1885.

## ACT V.

AN ACT to prohibit the sale or giving away of ardent spirits within three miles of Rally Hill Academy, Boone county, Arkansas.

### SECTION.

1. Makes it unlawful to sell or give away vinous or ardent spirits within three miles of Rally Hill Academy, in Boone county
2. Permits physicians under certain restrictions to prescribe vinous and ardent spirits,
3. No one excused from the penalty imposed, except as provided in this Act.
4. Fixes penalty for violation of this Act.
5. Prohibits the county of Boone from licensing any person within limits prescribed in Sec. 1.
6. Does not interfere with use of wine for sacramental purposes.
7. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That it shall be unlawful for any person to sell or give away vinous or ardent spirits within three miles of Rally Hill Academy, in Boone county—which is situated in the north-west quarter of the northeast quarter of section 1 of township seventeen (17), range nineteen (19) west—except the same be for medical purposes, as hereinafter provided.

SEC. 2. *Be it further enacted,* That no person shall sell or give away any vinous or ardent spirits within three miles of said Academy, unless he be a regular practicing physician, and not until he has signed and sworn to an affidavit before the county clerk of Boone county, and shall have had the same duly recorded on the county court record of said county, which affidavit shall be in the following form: I,....., do solemnly swear (or affirm) that I am a regular practicing physician; that

I will not sell or give away any vinous or ardent spirits to any one, unless it be for actual medical purposes and believe the kind and quantity will be beneficial in the treatment of the disease under which the patient is suffering.

SEC. 3. *And be it further enacted,* That no one shall be excused from the penalty of this Act who may, contrary to its provisions, sell, or cause to [be] sold or given away, any intoxicating drink, by reason of its being put up as bitters mixed with drugs, or vended as a medicine, except as provided in the foregoing section.

SEC. 4. *Be it further enacted,* That any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and for each offense shall be fined in any sum not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00.)

SEC. 5. *Be it further enacted,* That the County Court of Boone county be, and it is hereby, prohibited from granting to any person within said three miles any license or authority to sell any ardent spirits from and after the passage of this Act.

SEC. 6. Nothing in this Act shall be so construed as to interfere with the use of wine for sacramental purposes, when properly administered in accordance with church usages; or with the rights of citizens to use vinous, spirituous and malt liquors within their families and at their residences.

SEC. 7. That this Act take effect and be in force from and after its passage.

Approved February 3d, 1885.

---

D.

## ACT VI.

AN ACT to extend the time for the payment of all unpaid taxes for the year 1884, until the 10th day of April, 1885.

PREAMBLE.

Showing the necessity for extending time for paying taxes.

SECTION.

1. Extends time for payment of taxes for 1884.
2. All penalties shall be added if taxes are not paid at the expiration of the time of extension.
3. Extends the time for filing delinquent lists; and, also, extends the time of sale of property delinquent.
4. Act in force from and after its passage.

*Whereas*, Many of the taxpayers of the State have not yet paid the taxes due on their property for the year 1884, and the time fixed by law for the payment of such taxes is about to expire; and,

*Whereas*, Such taxpayers are not willfully delinquent, but the unusual depression in money matters, the partial failure in crops last year, and the recent disastrous floods and unusually severe weather have rendered them unable to pay their taxes within the time prescribed by law without great inconvenience and hardship; and,

*Whereas*, An extension of the time for the payment of such taxes until the 10th day of April, 1885, would be a much needed relief to said taxpayers, and could be granted without any serious detriment or embarrassment to the State, or any county, city, town or school district in the State; therefore,

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the time for the payment of all unpaid taxes for the year 1884 be, and the same is, hereby extended to the 10th day of April, 1885, and no penalty for non-payment shall attach until after that date.

SEC. 2. The penalties prescribed by law for the non-payment of taxes shall be added to all taxes for the year 1884, not paid on or before the said 10th day of April, 1885.

SEC. 3. The time for the filing of the lists of delinquent taxes for the year 1884 by the collectors of the several counties of the State is extended until the fourth (4th) Monday in April, 1885, and the time for the sale of the lands delinquent for the taxes of the said year, 1884, is hereby extended until the fourth (4th) Monday in May, 1885.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved February 3d, 1885.

### ACT VII.

AN ACT to repeal sections 76, 77, 78 and 79 of an Act to revise and amend the Revenue Laws of Arkansas, approved March 31st, 1883.

#### SECTION.

1. Repeals Secs. 76, 77, 78 and 79 of Revenue Law of 1883.
2. Repeals all law in conflict, and Act takes effect and force from passage

*Be it enacted by the General Assembly of the State of Arkansas;*

SECTION 1. That sections seventy-six (76), seventy-seven (77), seventy-eight (78) and seventy-nine (79) of An Act to Revise and Amend the Revenue Laws of Arkansas, approved March 31, 1883, be, and the same are, hereby repealed.

SEC. 2. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed; and that this Act take effect and be in force from and after its passage.

Approved February 6th, 1885.

### ACT VIII.

AN ACT to change the time of holding the terms of the circuit court in Monroe county.

#### SECTION

1. Fixes times for holding circuit court in Monroe county.
2. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That hereafter the terms of the circuit court of



Monroe county shall be begun and held on the fourth (4th) Mondays after the third (3rd) Mondays in February and August of each year

SEC. 2. That this Act be in force from its passage.

Approved February 13th 1885.

## ACT IX

AN ACT to legalize and make valid the assessment of the real and personal property of Cleburne county for the year (1883) eighteen hundred and eighty-three.

### PREAMBLE.

#### SECTION.

1. Confirms and makes legal the acts of J. W. Witt, assessor of Cleburne county.
2. Act in force from passage.

*Whereas*, The Act of the General Assembly of Arkansas creating and establishing the county of Cleburne was not approved until the (20th) twentieth day of February, (1883) eighteen hundred and eighty-three, and,

*Whereas*, By the provisions of said Act, the several officers for said county were not elected until the (7th) seventh day of May of said year, and it was therefore impossible for the assessor of said county to post his notices, make the assessment of the real and personal property of said county for the year (1883) eighteen hundred and eighty-three, and make his returns as required by law, at the time as required by the statutes, in such cases made and provided ;

*Therefore: Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the assessment of the real and personal property of the county of Cleburne, as made by J. W. Witt, late assessor for said county for the year (1883) eighteen hundred

and eighty-three, as well as all acts as said assessor, and returns required by law to be made and done by the county assessor be, and the same are, hereby declared as legal and valid as if the statutes in such cases as to the time of the performance of said duties, had been strictly and in all things complied with by said assessor.

SEC. 2. This Act take effect and be in force from and after its passage.

Approved, February 13th, 1885.

## ACT X.

AN ACT to authorize the Commissioner of State Lands to execute deeds and certificates in certain cases.

### SECTION.

1. Authorize Commissioner of State Lands to execute deeds to Seminary, Saline, Internal Improvement, Real Estate and State Bank Lands, on presentation of Treasurer's receipt showing purchase money had been paid.
2. Authorizes Commissioner of State Lands to execute deeds for Sixteenth Section or School Land, under specified conditions, &c.
3. Holders of certificates of purchase for any Swamp and Overflowed, Seminary Saline, Internal Improvement, Real Estate or State Bank Lands, or their assigns, may present same to Commissioner of State Lands, who may execute deeds under conditions specified in this section.
4. "Approved" Swamp Lands shall be subject to sale by the Commissioner of State Lands, as provided by law.
5. Certificates and evidences of assignment shall be kept and recorded by Commissioner of State Lands. Commissioner may issue new deeds on proper evidence presented.
6. The seal of the Commissioner of State Lands to be sufficient authentication of deeds.
7. Nothing in this Act to be construed to repeal, "An Act to enable settlers and pre-emptors on the Swamp and Overflowed Lands to perfect their titles by entry," approved December 15th, 1875; or "An Act to authorize the sale of Swamp Lands in certain cases," approved March 18th, 1879.
8. Act to take force and effect from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That hereafter the Commissioner of State Lands

is hereby authorized and empowered to execute under his hand and official seal, a deed, or deeds, to purchasers from the State of any Seminary, Saline, Internal Improvement, Real Estate Bank, or State Bank Lands upon the filing in his office of the receipts of the Treasurer of the State, showing that the purchase money for said lands together with the fee for such deed, or deeds, has been fully paid to such Treasurer, as required by law.

SEC. 2. That the said Commissioner is hereby authorized and empowered to execute under his hand and official seal, a deed or deeds to purchasers, or their assigns, or legal representatives of Sixteenth Section or School Lands, upon presentation to such Commissioner of proper evidence of full payment for the same in all cases where the sale of such land occurred prior to the passage of "An Act to provide for the sale of the Sixteenth Section in this State," approved March 22, 1881.

SEC. 3. That the owner of any certificate of purchase for any Swamp and Overflowed, Seminary, Saline, Internal Improvement, Real Estate Bank, or State Bank Lands, or the assignee, or the party or parties in whom the legal title to such lands exist, may present such certificates and other evidences of the legal title to such lands to the Commissioner of State Lands, who, if he finds that the sale of such lands was made in conformity to law and have been fully paid for, and that such evidences of assignment have been made in accordance with law, shall execute under his hand and official seal, a deed or deeds, conveying all the right, title and interest of the State in and to such lands; provided that the deed of the State shall not be issued to any "approved" Swamp and Overflowed lands until after the issuance of the patent by the United States to the State for such lands.

SEC. 4. That any of the Swamp and Overflowed Lands that may be hereafter "approved" to this State, or any of such lands now "approved" and remaining unpatented to the State, not otherwise disposed of, shall be subject to sale by the Commissioner of State Lands in the manner prescribed by law, for

which lands such Commissioner shall issue to the purchaser thereof a certificate of purchase, describing the land so purchased, upon the filing with such Commissioner of the receipt of the Treasurer of the State, showing that the price fixed by law for such land has been fully paid, which certificate shall be assignable in the manner prescribed by section three thousand eight hundred and seventy-five (3,875) of Gantt's Digest.

SEC. 5. That the certificates and evidences of assignment mentioned in Section two of this Act, upon which deeds are so made, shall be filed in the Commissioner's office, and he shall keep a record of the deeds so made, from which he may issue duplicates upon sufficient proof of loss of, or errors in, such original deeds; and in all cases where sufficient proof of the loss or destruction or erroneous issue of any deeds heretofore made to any lands belonging to the State, by any officer authorized so to do, when evidence exists in the Commissioner's office of the proper issuance of such former deeds, it shall be the duty of the Commissioner to issue duplicates, or make new deeds therefor, as the case may be, referring therein to the deeds theretofore issued; and such duplicates or new deeds shall have the like force and effect as the original deeds.

SEC. 6. That the seal of the Commissioner of State Lands shall be sufficient verification and authentication of the deed or deeds made by him for any class of lands mentioned in this Act, and such deed or deeds shall be received as evidence of the legal title to such lands in any court in this State.

SEC. 7. *Be it further enacted*, That nothing in this act shall be so construed as to repeal in whole or in part an Act entitled "An Act to enable settlers and pre-emptors on the swamp and overflowed lands to perfect their titles by entry," approved December 15, 1875, or an Act entitled "An Act to authorize the sale of swamp lands in certain cases," approved March 18, 1879; and this Act shall take effect and be in force from and after its passage.

Approved February 16th, 1885.

ACT XI.

AN ACT to authorize and to regulate the manner of disposing of certain lands granted to the city of Eureka Springs Carroll county, Arkansas as by the government of the United States, under the town site laws.

SECTION.

1. The mayor or his successor shall make title to lots sold under this Act.
2. The City Council shall appoint a committee of five citizens to appraise lots. Duties of Committee. Publication of report of committee.
3. Owners of lots shall present proper evidence of ownership to obtain deed from mayor. Duties of mayor.
4. Parties having paid whole or any part for lots are entitled to deeds on payment of balance.
5. Persons failing to prove up claims within one year barred, and title revert to city of Eureka. Rights of married women, minors, and persons of unsound mind reserved.
6. Title to streets, alleys and public grounds vested in city of Eureka.
7. Form of deed to be executed by mayor.
8. Boundaries of lots to be governed by surveys in force at the time same were located.
9. Compensation of committee.
10. Compensation of mayor for making deeds.
11. Monies arising from sales to be general property of the city.
12. What kind of funds may be taken in payment for lots.
13. All laws or parts of laws in conflict with this are repealed, and this act in force from passage

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the mayor of said city, or his successor in office shall make and deliver to the legal owners of said lots, under the act of Congress governing the rights of occupants of lands granted to townsites, upon their paying to said city such sums as said lots and lands are appraised at under this act.

SEC. 2. It shall be the duty of the council of said city, immediately after the passage of this act, to appoint a committee of five citizens of said city, one from each ward of said city, whose duty it shall be to immediately proceed to grade, classify and price, the said lots within said townsite, (provided that no lot shall be priced by said committee at less than one dollar (\$1.00), nor more than twenty dollars, (\$20.00), and to report the same to the City Council, within twenty days after this said appointment, which report of said committee shall be spread upon records of said city, provided the said City Council shall have the power to extend the time for making said report. Provided further, that upon the receipt and filing of said report, the mayor shall, by publication

sixty (60) days in the "Eureka Springs Times," a newspaper published in said city, notify all persons of the passage of this Act, and warn them to come forward within said time and present such claim or claims as they may have, to any lot or lots in the said city of Eureka.

SEC. 3. All persons desiring deeds to their lots, shall present the evidence of their right to title to lots to the mayor of said city, who shall have the power to administer oaths and examine parties in regard to their title, or their occupancy, and the said mayor being satisfied of the genuineness of the claim, shall certify the same to the city treasurer, and the treasurer, upon payment to him of the amount fixed upon such lots, shall give to the claimant duplicate receipts, one of which shall be filed by said claimant in the clerk's office of said city, and upon the presentation of the other receipt the said mayor shall execute a deed to said claimant, conveying all the right and title in him for said city in the same, which said deed shall be admitted to record without acknowledgment, and shall be an absolute conveyance without acknowledgment; provided, that if any lot or lots are claimed by more than one person which fact being made know by said person or persons to said mayor, he shall refuse to make deeds to either party till said dispute is settled by suit, agreement, or otherwise.

SEC. 4. All persons who have heretofore paid for lots, or partly paid for them under the ordinance of said city, shall, upon the payment of the balance, be entitled to deeds to such lots.

SEC. 5. All persons who shall fail to prove their claims and procure deeds to their lot, or lots, within one year from the date of the passage of this act, or who shall fail to bring suit to settle their claims when disputed, or claimed by different persons, within one year from the date of the passage of this act, shall forever be barred from any claim or interest in the same, but the title of said lot or lots shall in that event vest in the said city of Eureka Springs, and shall be under the control of the same, and may be conveyed and sold by said city, and when conveyed or sold by said city, deeds shall be made to the same by

the said mayor, which deed shall be admitted to record and shall be a valid conveyance of the same without acknowledgment. Provided, that the rights of married women, minors, and persons of unsound mind are reserved from, and the same shall in no wise be affected by, the provisions of this Act.

SEC. 6. That the streets, alleys, reservations and other public grounds of said city and townsite, as now laid off, shall vest in said city, subject to such changes and alterations as may be legally made.

SEC. 7. The deed mentioned in section one of this act may be in the following form:

"Know all men by these present [s], that I, A. B., Mayor of the city of Eureka Springs, Carroll county, Arkansas, by the authority in me vested by law, do hereby grant, bargain, sell and convey to A. B., who has paid into the city treasury of said city the sum of \$....., at which amount the following lots were appraised, and who has made satisfactory proof of his title to said lots under the Act of Congress regulating the same. Now, I, therefore, do hereby grant, bargain, sell, convey and forever quit claim unto the said A. B., the following described lots, to-wit: To have and to hold the same against the lawful claims of all persons whomsoever.

In testimony whereof I have hereunto set my hand as such Mayor, on this the..... day of..... 188....

[Signed.]

.....

Mayor of the City of Eureka Springs, Arkansas."

SEC. 8. That the boundaries of lot, or lots, shall be ascertained and be governed by the survey or surveys in force at the time and under which the said lot, or lots, were located, and no survey hereafter made shall in any way operate to increase or decrease the amount of land as first taken according to first survey.

SEC. 9. The members of the committee, mentioned in section two of this act, shall receive for their services while actually engaged in the work under this Act, such sum as the City

Council shall designate, which sum or sums shall be paid by said city in such manner as the said council may designate.

SEC. 10. That said mayor of said city shall receive such compensation for [the] executing the deeds and performing the labors mentioned in this Act, as may be provided for by the City Council of said city.

SEC. 11. All moneys arising from the sale of lots as provided for in this act, shall be paid into the city treasury of said city, and shall be the general property of the same.

SEC. 12. The price at which said lots are appraised may be paid for in the legal warrants or scrip of said city, or in the currency of the United States, at the election of the parties claiming the same.

SEC. 13. That all laws and parts of laws in conflict with this Act be, and the same are, repealed, and that this Act be in force and effect from and after passage.

Approved, Feb'y 16, 1885.

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## ACT XII.

AN ACT amendatory of Chapter CXXVIII of Mansfield's Digest.

SECTION.

1. In actions for recovery of personal property and bond given as provided in section 5581, of Mansfield's Digest, court trying the case may render judgment against sureties as well as defendant.
2. If judgment is for defendant, court may render judgment against plaintiff and sureties for value of property and damages.
3. Conflicting law repealed, and Act to take effect and be in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That hereafter in all actions for the recovery of personal property, where the defendant has given a delivery



bond as now provided for by section five thousand, five hundred and eighty-one (5581) of Mansfield's Digest, the court or jury trying the cause may, not only render judgment against the defendant for the recovery of the property, or its value, together with all damages sustained by the detention thereof, but may, also, upon motion of the plaintiff, render judgment against the sureties upon his said delivery bond for the value of the property, and, also; damages as aforesaid, as the same may be found and determined by the court or jury trying such cause.

SEC. 2. That if, upon the trial of any such cause, judgment be given for the defendant in the action, the court or jury trying such cause may render judgment, not only against the plaintiff for the value of the property taken under the order of delivery in the case, provided the same has not been surrendered to the defendant, upon bond, as provided for in said section five thousand, five hundred and eighty-one (5581) of Mansfield's Digest, together with all damages sustained by the defendant in the action, but may, upon motion of the defendant, also render judgment against the sureties upon the bond of the plaintiff, for the value of such property and all damages sustained by the defendant in the action.

SEC. 3. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed, and this Act take effect and be in force from and after its passage.

Approved February 14, 1885.

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### ACT XIII.

AN ACT to fix the time of holding the County and Probate Courts of Desha County.

## SECTION.

1. Fixes times for holding County Court of Desha County.
2. Fixes times for holding Probate Courts.
3. Fixes times for holding Probate Court in "Watson District."
4. Laws in conflict repealed, and Act to be in force and effect after April 1, 1885.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the County Court of Desha county shall be held on the first (1st) Mondays in January, April, July and October of each year.

SEC. 2. That the Probate Court of Desha county shall be held at the county seat on the second (2d) Mondays in January, April, July and October of each year.

SEC. 3. That the Probate Court of Desha county, for the Watson district, shall be held at Watson in said county, on the fourth (4th) Mondays in February, May, August and November of each year.

SEC. 4. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed, and this Act shall take effect and be in force from and after the first (1st) day of April, 1885.

Approved February 14, 1885.

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## ACT XIV.

AN ACT to amend section one (1) of an Act fixing the time of holding the Circuit Courts in the second (2d) Judicial Circuit of Arkansas, approved December 14, 1875 ; and to repeal Act fifty-four (54) of the Acts of the General Assembly of the State of Arkansas, passed and approved March 6, 1883, and all other laws in conflict herewith.

## SECTION.

1. Amends section 1, of an Act fixing the time for holding courts in the second Judicial Districts and changes time of holding said court in Crittenden county.
2. Writs and processes, &c., returnable to April term, 1885, made returnable to July term, 1885, of said court in Crittenden county.

3. Act No. 54 of the Acts of 1883, approved March 6, 1883, and all other conflicting laws, or part of laws are repealed, and this Act to be in force and effect after passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That section one (1) of an Act fixing the time of holding the Circuit Court in the second (2d) Judicial Circuit of Arkansas, approved December 14, 1875, be amended so as to read as follows, to-wit: That the Circuit Court of Crittenden county shall convene on the second (2d) Monday in January and July of each year.

SEC. 2. All writs and processes, bail bonds, recognizances and other proceedings returnable to the April term, eighteen hundred and eighty-five (1885), of the Circuit Court of Crittenden county, be, and they and each of the same are, hereby made returnable to the July term, eighteen hundred and eighty-five (1885) of the Circuit Court of the said county of Crittenden, as fixed in this Act, and all of said writs and processes, bail bonds, recognizances and other proceedings for the appearance of defendants at the regular terms of the Circuit Court of the said county of Crittenden as now fixed by law, be, and they and each of them are, hereby declared to be legal and binding for the appearance of said parties, at the terms and times of the Circuit Court of said county of Crittenden, as fixed by the provisions of this Act.

SEC. 3. That Act fifty-four (54) of the Acts of the General Assembly of the State of Arkansas, passed and approved March 6, 1883, and all other laws, or parts of laws, in conflict with this Act and the provisions hereof be, and the same are, hereby repealed, and that this Act take effect and be in force from and after its passage.

Approved February 14, 1885.

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## ACT XV.

AN ACT to define the boundary line between Madison County and the counties of Franklin and Johnson,

## SECTION.

1. Changes lines between counties of Johnson, Franklin and Madison, and fixes new boundaries.
2. Conflicting laws repealed, and Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the county line on the southern border of Madison county, lying between the counties of Franklin and Johnson, shall be fixed as follows: Beginning on the northern boundary line of section twenty-six, (26) at the northwestern corner of said section, township thirteen (13) north of range twenty-eight (28) west, thence east along said section line through ranges twenty-eight (28), twenty-seven (27), twenty-six (26), and twenty-five (25), to the northeast corner of section twenty-seven (27), township thirteen (13), north of range twenty-four (24) west.

SEC. 2. All laws in conflict with this Act are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved February 17, 1885.

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## ACT XVI.

AN ACT to define the boundary line of Lawrence county.

## SECTION.

1. Defines boundary lines of Lawrence county.
- 2 Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the boundary line of Lawrence county from the northwest corner of the county to Black River be, and the same is declared to be as follows: Beginning at the northwest corner of township eighteen (18), N. R. three (3) west and running east to the northeast corner of said township, thence

south to the middle of Spring River, thence down the middle of Spring River with the meanderings thereof to Black River.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved Feb'y 17, 1885.

### ACT XVII.

AN ACT to change the time of holding the Circuit Court in Washington county and the Western District of Carroll county.

SECTION.

1. Fixes times for holding Circuit Court in Western District of Carroll county.
2. Fixes times for holding Circuit Court in Washington county.
3. Business pending shall be heard at time specified by this Act.
4. Conflicting laws repealed, and this act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the Circuit Court for the Western District of Carroll county shall be commenced and held on the ninth (9th) Monday after the third (3rd) Monday in February and August of each year.

SEC. 2. That the Circuit Court of Washington county shall commence and be held on the eleventh (11th) Monday after the third (3rd) Monday in February and August of each year.

SEC. 3. That all business pending in said courts shall stand for hearing at the time specified for holding said courts.

SEC. 4. That all laws in conflict with this Act be, and the same are, hereby repealed, and this act shall take effect from and after its passage.

Approved Feb'y 20th, 1885.

## ACT XVIII.

AN ACT to provide for the sale of lands escheated to the State of Arkansas.

## SECTION.

1. Escheated lands shall be disposed of as provided in this Act.
2. Duties of Commissioner of State Lands in disposing of escheated lands.
3. Sheriffs shall pay into State treasury all moneys received for sale of escheated lands. Other duties of sheriffs and Commissioner of State Lands.
4. Fixes compensation of sheriff for making sales.
5. Laws inconsistent repealed, and this Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That all lands escheated to the State of Arkansas, under the provisions of law, shall be sold in the manner hereinafter provided.

SEC. 2. The Commissioner of State Lands shall cause such lands to be sold by the sheriffs of the several counties and districts in which the same may be situate, at the court house door in said county or district, at public auction for cash, on the first day of the Circuit Court, first giving four weeks notice of the time, place and terms of said sale, published in some newspaper published in said county or district; and if there be no newspaper therein, then by notices posted at six of the most public places in said county four weeks before said day of sale.

SEC. 3. That the sheriff shall, immediately upon the receipt of the purchase money pay the same over to the Treasurer of the State, for the use of the common school fund of the State and report the sale and the amount for which said lands were sold to the Commissioner of State Lands, who shall make and keep a record thereof in his office; and if he shall find said sale to have been in conformity to law, and the purchase money fully paid, said Commissioner shall execute a deed under his hand and official seal, conveying all the title of the State in said lands to said purchaser; which said deed, duly executed, shall be admitted to record and received as evidence in all the courts of this State.

SEC. 4. The sheriff shall receive, as compensation for his services in making said sale, two per cent upon the amount of the purchase money received for said land and, also, the actual cost of advertising said sale to be deducted from the purchase money received at said sale.

SEC. 5. All laws inconsistent with this Act are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved February 20th, 1885.

### ACT XIX.

AN ACT to change the time of holding the courts in the Twelfth Judicial Circuit in this State.

SECTION.

1. Changes the time for holding the Circuit Courts in 12th Judicial Circuit.
2. All writs, processes, bonds, &c., made returnable at the time as fixed by this Act.
3. Laws conflicting are repealed and this act in force from and after passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That hereafter the courts in the Twelfth Judicial Circuit be held as follows: In the county of Scott on the second (2nd) Monday in February and August in each year. Crawford—on the second (2nd) Monday after the last Monday in February and August. Sebastian county—in the Fort Smith District—on the sixth (6th) Monday after the last Monday in February and August. Logan—on the twelfth (12th) Monday after the last Monday in February and August. Sebastian—in the Greenwood District—on the sixteenth (16th) Monday after the last Monday in February and August.

SEC. 2. *Be it further enacted*—That all writs, processes, bail bonds, recognizances and proceedings returnable to any term shall be returnable to the term fixed by law in this Act.

SEC. 3. *Be it further enacted*—That all laws and parts of laws in conflict herewith be, and the same are, hereby repealed and that this Act take effect and be in force from and after its passage.

Approved Feb'y 20th, 1885.

## ACT XX.

AN ACT for the preservation and safe-keeping of the files of the State Land Office.

## PREAMBLE.

## SECTION.

1. Makes appropriation for providing the necessary furniture, &c., for the safe-keeping and preservation of the original maps and field notes of surveys of the State, as turned over to the State by the United States Government.
2. Act in force and effect from passage.

*Whereas*; Section 2221 of the revised statutes of the United States requires that, in no case, shall the field-notes, maps, records and other papers appertaining to land titles in any State be turned over to the authorities of such State, until such State has provided, by law, for the reception and safe-keeping of the same, as public records, and

*Whereas*; The original field-books, showing the field-notes of the United States survey of this State, now in the custody of the Commissioner of State Lands, are much worn and mutilated and the said Commissioner has no suitable furniture for their proper safe-keeping and preservation, nor for the proper filing and preservation of the valuable title papers of his office, therefore:

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the sum of one hundred (\$100 00) dollars is hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the purpose of providing the necessary furniture for the proper care of such field notes, and that the additional sum of one hundred (\$100 00) dollars is hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the purpose of providing the furniture necessary for the proper care of the valuable title papers of his office.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved February 20, 1885.



ACT XXI.

AN ACT supplemental to an Act changing the times of holding the terms of the Circuit Court in Monroe county, approved, February 13, 1885.

SECTION.

1. Changes and fixes anew time for holding the terms of Circuit Court in Monroe county. Makes all writs and processes returnable on the days specified in this Act.
2. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That all writs and other process issued and made returnable to the April term of the Circuit Court of Monroe county, as heretofore provided by law, shall be returned and tried at the term of said court to be begun and holden on the fourth (4th) Monday after the third (3rd) Monday in February, 1885, the same being the time now provided by law for holding said term of court, under the provisions of an Act entitled An Act changing the times of holding the terms of the Circuit Court of Monroe county, approved February 13, 1885.

SEC. 2. That this Act shall take effect from and after its passage.

Approved February 21, 1885.

ACT XXII.

AN ACT to aid in the preservation of the eggs of certain birds, and to prohibit the catching, killing, injuring or chasing of deer, turkeys, quails and prairie-chickens during certain seasons, and for other purposes.

SECTION.

1. Makes it unlawful to catch, kill, or injure deer, prairie-chickens and turkeys during certain periods of the year.
2. Makes it unlawful at any and all seasons to catch or kill by means of nets, traps, pens or pits any prairie-chickens or quails, except upon his or her own premises.
3. Makes it unlawful to destroy or disturb the nests of any wild birds except those specified in the section.

4. Makes it unlawful to have in possession, or purchase, or expose for sale any of the game or bird<sup>s</sup> specified in this Act.
5. Prohibits railroads, steamboats, express companies or other parties, from carrying any birds or game during the time the catching or killing same is made unlawful by this Act.
6. Violation of this act made a misdemeanor, and fixes penalties.
7. What courts may have jurisdiction.—Duties of sheriffs, constables, police and market masters.
8. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

- SECTION 1. That it shall be unlawful to catch, kill or injure, or pe[u]rsue with intent to catch, kill or injure, or pe[u]rsue or chase with dogs without such intent, any wild buck deer, doe or fawn, in this State between the first (1st) day of February and the first (1st) day of September in any year ; and it shall also be unlawful to catch, kill, or injure, or pe[u]rsue with intent to catch, kill or injure, any wild turkey between the first (1st) day of May, and the first (1st) day of September in any year ; and it shall also be unlawful to catch, kill, or injure, or pe[u]rsue with intent to catch, kill, or injure, any pinnated grouse commonly called prarie-chicken, between the first (1st) day of February and the first (1st) day of September in any year ; or any quail, (sometimes called, Virginia partridge) between the first (1st) day of March, and the first (1st) day of October in any year.

- SEC. 2. It shall be unlawful at any and all seasons of the year, to take, catch, or kill by means of any partridge-net or other net, or by traps, pens, pits or other devices of any kind, any pinnated grouse, commonly called prairie chicken, or any quail, sometimes called Virginia partridge, or any wild turkey ; provided that nothing in this section shall be construed to prohibit any person, or the minor children of any person, from netting, trapping, or otherwise killing or catching any of the birds aforesaid on his or her own premises, in the open or unprohibited season ; nor shall it prohibit any person from killing on his own premi[s]ses any of the birds aforesaid, in the act of destroying fruit or grapes.

SEC. 3. It shall be unlawful to destroy, disturb, or rob, the nests of any wild birds whatsoever, except those of crows, blackbirds, hawks, owls, eagles, and birds of prey.

SEC. 4. It shall be unlawful for any person to purchase, have in possession or expose for sale any of the birds or game mentioned in Sec-

tion one of this Act, during the season when the catching, killing, or injuring thereof is by this Act prohibited.

SEC. 5. It shall be unlawful for any rail-road company, express company, steamboat company, or other company, or corporation, or private person, to have in possession or receive for transportation or carriage, or for any other purpose whatsoever, any of the game or birds mentioned in Section one of this Act, during the season when the killing, catching, or injuring the same is hereby prohibited.

SEC. 6. Any person violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than three, nor more than ten dollars for each bird killed, caught or injured, or had in possession, and not less than ten nor more than twenty dollars for each buck deer, doe, or fawn, caught, killed, or injured, or chased, or had in possession, and not less than three dollars nor more than ten for each nest of eggs destroyed as aforesaid, together with the costs of prosecution.

SEC. 7. Any violation of this Act may be prosecuted before any officer or court having jurisdiction to try cases of misdemeanor in like manner as in other cases of misdemeanor; and it is hereby made the duty of all sheriffs, constables, coroners, marshals, market-masters and police officers to arrest all persons found violating any of the provisions of [of] this Act.

SEC. 8. That this act shall take effect and be in force from and after its passage.

Approved Feb'y 23d, 1885.

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## ACT XXIII.

AN ACT for the sale of town lots forfeited for taxes.

## SECTION.

1. Commissioner of State Lands authorized to sell at public sale, &c.
2. Commissioner of State Lands may appoint an agent, &c. Lots in cities of the first class excepted from provisions of this act.
3. Act in force and effect from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. The Commissioner of State Lands is hereby directed to sell any town lots, heretofore forfeited to the State, at public sale, to the highest bidder for cash in hand, after first giving notice of such sale for twenty days, by publication in a newspaper published in the county where such town lots may be situated, or by ten (10) or more posters, one of which shall be posted on such lots.

SEC. 2. The Commissioner of State Lands may appoint an agent to sell such lots, who shall give a certificate of purchase to the purchaser on the payment of such bid into the State Treasury; whereupon, the Commissioner of State Lands shall make a deed to such purchaser, as is now provided by law in cases of forfeited lands. *Provided*, lots in cities of the first class be excepted from the provisions of this Act.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 24, 1885.

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ACT XXIV.

AN ACT fixing the time of holding the Circuit Court of Mississippi county in the second (2nd) Judicial Circuit of this State.

## SECTION

1. Fixes times for holding Circuit Courts in Mississippi county.
2. All writs, processes, &c., made returnable at the times fixed by this Act.
3. Conflicting laws repealed, and Act to be in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the Circuit Court of Mississippi county shall convene at the courthouse in said county on the thirteenth (13th) Mondays after the first (1st) Mondays in February and August of each year. *Provided*, that no court shall be held in said county under this Act on the thirteenth (13th) Monday after the first (1st) Monday of February, 1885.

SEC. 2. That all process, recognizances and other proceedings made returnable to next term of said court, as now fixed by law, be, and the same are, hereby made returnable to the next term of said court as fixed by this Act.

SEC. 3. That all laws and parts of laws in conflict with this Act are hereby repealed and this Act shall take effect and be in force from and after its passage.

Approved February 24, 1885.

## ACT XXV.

AN ACT to fix the time of holding the Court of Common Pleas of Garland county.

### SECTION.

1. Changes times for holding terms of Court of Common Pleas of Garland county.
2. Acts or parts of Acts in conflict repealed, and this Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas.*

SECTION 1. That hereafter the Court of Common Pleas of Garland county shall be begun and held on the first (1st) Mondays in March, June, September and December of each and every year.

SEC. 2. That all Acts and parts of Acts in conflict with this

Act are hereby repealed, and this Act go into effect from and after its passage.

Approved February 25th, 1885.

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### ACT XXVI.

AN ACT to provide for the support of the Arkansas School for the Blind from the first day of January, 1885, to the 31st day of March, 1885, inclusive.

SECTION.

1. Makes appropriation for the maintenance of the Arkansas School for the Blind.

*First.* To pay Superintendent.

*Second.* To pay matron.

*Third.* To pay physician.

*Fourth.* To pay music teacher.

*Fifth.* To pay literary teacher.

*Sixth.* To pay male teacher of handicraft.

*Seventh.* To pay female teacher of handicraft.

*Eighth.* To pay clerk.

*Ninth.* To pay board of directors.

*Tenth.* To pay expenses of each pupil.

*Eleventh.* To pay expense and clothing of indigent pupils.

2. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the following sums are hereby appropriated, out of the Treasury, out of any moneys not otherwise appropriated, for the support and maintenance of the Arkansas School for the Blind, for three months, beginning on the first day of January one thousand eight hundred and eighty-five, and ending on the thirty-first day of March one thousand eight hundred and eighty-five, to-wit: The sum of three thousand six hundred and ninety-nine 15-100 (\$3,699.15) dollars as follows:

First. For the pay of superintendent, three hundred dollars (\$300).

Second. For the pay of matron one hundred and twenty-five dollars, (\$125).

Third. For the pay of attendant physician, one hundred dollars, (\$100).

Fourth. For the pay of music teacher, one hundred and sixty-six 65-100 dollars, (\$166.65).

Fifth. For the pay of three literary teachers four hundred dollars, (\$400).

Sixth. For the pay of male teacher of handicraft, one hundred dollars, (\$100).

Seventh. For the pay of female teacher of handicraft, one hundred and twelve 50-100 (\$112.50).

Eighth. For the pay of clerk, who shall also be steward, one hundred dollars, (\$100).

Ninth. For the pay of Board of Directors, forty-five dollars, (\$45).

Tenth. To pay current expenses of each pupil in attendance, the sum of forty-five dollars, (\$45), payable in monthly installments, not to exceed the sum of two thousand dollars, (\$2000); provided, that in case the parents or guardians of any pupil shall pay, in whole or a part, for the board and tuition of such pupil, the amount so paid shall be deducted from the forty-five dollars, (\$45), appropriated by the State.

Eleventh. For the clothing and personal expenses of indigent pupils to be refunded by their respective counties according to an Act approved December seventeenth, 1875, ten dollars per pupil; provided, the sum appropriated shall not exceed the sum of two hundred and fifty dollars, (\$250).

SEC. 2. That this Act shall take effect from and after its passage.

Approved February, 25th, 1885.

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## ACT XXVII.

AN ACT to change the time of holding the Probate Courts of Lau[w]rence county.

## SECTION.

1. Changes times for holding Probate Courts of Lawrence county.
2. Repeals laws in conflict, and this Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas,*

SECTION ONE. That the Probate Courts of Lau[w]rence county, shall begin and be held on the second Monday of January, April, July and October of each year, and continue in session until the business before the court, is disposed of.

SEC. TWO. That all laws and parts of laws in conflict, with this Act are hereby repealed, and this Act shall take effect and be in force from its passage.

Approved February 25, 1885.

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## ACT XXVIII.

AN ACT to regulate the adoption of heirs.

## SECTION.

1. Persons desirous of adopting a child must file petition in Probate Court.
2. What petition shall specify.
3. Probate Court when satisfied may grant petition, &c.
4. Adopted parents shall occupy same position towards adopted children as if natural parents.
5. Court shall not grant petition without consent of parents if living.
6. Petitioner to pay all costs.
7. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That any person desirous of adopting any child, may file his petition therefor in the Probate Court, in the county where such child resides.

SEC. 2. Such petition shall specify, First, the name of such petitioner; second, the name of such child, its age, whether it has any property, and, if so, how much; third, whether such child has either father or mother living, and if so, where they reside. Such petition shall be verified by the oath or affirmation of such petitioner.



SEC. 3. Such court, when satisfied that it will be for the interest of such child, shall make an order that such child be adopted, and from and after the adoption of such child it shall take the name in which it is adopted, and be entitled to, and receive all the rights and interests in the estate of such adopted father or mother by descent or otherwise, that such child would do if the natural heir of such adopted father or mother.

SEC. 4. After the adoption of such child, such adopted father or mother shall occupy the same position toward such child, that he or she would if the natural father or mother, and be liable for the maintenance, education and every other way responsible as a natural father or mother.

SEC. 5. Such court shall not adopt such child, if it have a father or mother living, unless such father or mother appear in open court and give consent thereto, provided that if such petitioner show by two competent witnesses that the residence of such father or mother be unknown, then such court may order the adoption of such child.

SEC. 6. Such petitioner shall pay all costs of such proceedings.

SEC. 7. That this Act take effect and be in force from and after its passage.

Approved February 25th, 1885.

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## ACT XXIX.

AN ACT to appropriate the sum of five thousand dollars (\$5,000.00) for the purpose of remodeling, repairing and furnishing (a) certain portion of the east wing of the State House for the Supreme Court Rooms, Judges' Chambers, Library, and Clerk's office of said court.

## PREAMBLE.

Recites necessity for repairs and refurnishing Supreme Court, Library and contiguous rooms.

## SECTION.

1. Appropriates \$5,000.00 for purposes mentioned in section.
2. Repeals laws and parts of laws in conflict, and this Act in force from passage.

*Whereas*, The apartments provided for the Supreme Court Room and Library are dilapidated and out of repair; and,

*Whereas*, Said Library rooms in which the Judges of said court are compelled to perform their labors, are without sufficient ventilation, and by reason thereof are unwholesome and unfit for habitation for four months in the year; and,

*Whereas*, The contiguous rooms lately occupied by the county of Pulaski, have been vacated and are now subject to the State's control; therefore:

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the sum of five thousand dollars (\$5,000.00) be, and the same is, hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of remodeling, repairing and furnishing the whole of the second story of the east wing of the State House for the Supreme Court, Library and Judges' Chambers, and the south room on the first floor of said wing with one other room convenient thereto, for the Supreme Court room and Clerk's office of said court; said appropriation, or so much thereof as may be necessary, to be expended for the purposes aforesaid, under the direction of the Secretary of State, who is hereby authorized to make all proper arrangements and contracts in relation thereto.

SEC. 2. That all Acts and parts of Acts in conflict herewith be, and the same are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved February 25, 1885.

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ACT XXX.

AN ACT to amend Section 6283 of the Revised Statutes of Arkansas.

SECTION.

1. Amends Section 6283 of the Revised Statutes.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That Section 6283 be so amended as to read as follows: Upon the day of sale the collector shall offer the lands at public auction in separate sub-divisions, beginning with number one and ending with the last mentioned division. Such sale shall be made between the hours of 12 M. and 3 P. M., but may be continued from day to day, at the same place and between the same hours, until all have been sold or offer[r]ed. The sale shall be made upon the terms of one-fourth cash, the balance payable in one, two and three years from date in equal payments, bearing interest at the rate of eight per centum per annum from date of sale until paid. The purchaser shall at once pay the cash payment and execute and deliver to the collector his notes, payable to the treasurer of the county, and his successors in office, for the deferred payments, and interest, *provided*, that the purchaser may pay all of such bid in cash, or may, at any time before maturity, pay off said notes with accrued interest. *Provided*, that such lands shall not be sold for less than one dollar and a quarter (\$1.25) per acre.

Approved February 27, 1885.

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ACT XXXI.

AN ACT to regulate the collection of freight bills by railroad companies, their agents or employees.

SECTION.

1. Unlawful for railroad companies or their employees to charge for and collect a greater sum than is specified in the bill of lading.
2. Railroad companies and their employees shall deliver freights to consignees, upon payment of the charges as specified in bills of lading.

3. Penalty for making overcharges.

4. Repeals all conflicting laws, and this Act in force from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas:* That it shall be unlawful for any railroad company in this State, its officers, agents or employees to charge and collect, or to endeavor to charge and collect, from the owner, agent or consignee of any freight, goods, wares, or merchandise of any kind or character whatever, a greater sum for transporting said freight, goods, wares and merchandise than is specified in the bill of lading.

SEC. 2. That any railroad company, its officers, agents, or employees having possession of any goods, wares and merchandise, of any kind or character whatever, shall deliver the same to the owner, his agent or consignee upon payment of the freight charges, as shown by the bill of lading.

SEC. 3. That any railroad company, its officers, agents or employees that shall refuse to deliver to the owner, agent or consignee, any freight, goods, wares, and merchandise, of any kind or character whatever, upon the payment, or tender of payment of the freight charges due, as shown by the bill of lading, the said railroad company shall be liable in damages, to the owner of said freight, goods, wares, or merchandise, to an amount equal to the amount of the freight charges for every day said freight, goods, wares and merchandise is held after payment, or tender of payment, of the charges due, as shown by the bill of lading, to be recovered in any court of competent jurisdiction.

SEC. 4. That all laws or parts of laws in conflict with this Act are, hereby repealed, and this Act take effect from and after its passage.

Approved, February 27, 1885.

ACT XXXII.

AN ACT to change the time of holding the Circuit and Probate Courts in Calhoun county.

SECTION.

1. Changes times for holding Circuit Courts in Calhoun county.
2. Changes times for holding Probate Courts in Calhoun county.
3. Act to be in force and effect after June 1, 1885.

*Be it enacted by the General Assembly of the State of Arkansas;*

SECTION 1. That the Circuit Courts in Calhoun county shall hereafter commence and be held on the second (2nd) Mondays in February and August of each year.

SEC. 2. That the Probate Courts in Calhoun county shall hereafter commence and be held on the first (1st) Mondays in February, May, August and November of each year.

SEC. 3. That this Act take effect and be in force from and after the first day of June, 1885.

Approved February 27, 1885.

ACT XXXIII.

AN ACT to repeal section 1886 and amend section 1887, of the revised statutes of Arkansas.

SECTION.

1. Repeals section 1886 of the revised statutes.
2. Amends section 1887 of the revised statutes.
3. Act in force and effect from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That section 1886 of the revised statutes of Arkansas be, and the same is, hereby repealed.

SEC. 2 That section 1887 of the revised statutes of Arkansas be amended so as to read as follows: Every person who shall, on Sunday, keep open any store or retail any goods, wares and

merchandise, or keep open any dram shop or grocery, or who shall keep the doors of the same so as to afford ingrees [ingress] or egresses [egress], or retail or sell any spirits or wine, shall, on conviction thereof, be fined in any sum not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars.

SEC. 3. That this Act take effect and be in force from and after its passage.

Approved March 2d, 1885.

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#### ACT XXXIV.

AN ACT amendatory of an act entitled "An Act providing for the support of the State government and the dissolution of the State Board of Finance," approved February 24th, 1883.

SECTION.

1. Amends Section four of an Act providing for the support of the State Government and the dissolution of the State Board of Finance.
2. Repeals conflicting laws, and Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That section four (4) of the Act entitled "An Act providing for the support of the State Government and the dissolution of the State Board of Finance," approved February 24th, 1883, be, and the same is, hereby so amended as, hereafter, to read as follows : Section four (4.) If at any time, after the first (1st) day of May, eighteen hundred and eighty-four (1884), there should not be in the Treasury, belonging to the General Revenue Fund, a sufficient amount of money to pay the Auditor's warrants, the aforesaid Fiscal Agent and Commissioner of the sinking fund is hereby authorized, when so directed by the Governor, to deposit in the State Treasury, to the credit of the

interest and sinking fund, such number of the bonds authorized to be issued by the Act of the General Assembly, approved December twenty-third (23rd), eighteen hundred and seventy-four (1874), as may, from time to time, be necessary to procure the money to pay such Auditor's warrants. When said bonds are so deposited, the Treasurer shall place them to the credit of the interest and sinking fund, and take from said fund the amount of such bonds so deposited, and place the same to the credit of the General Revenue Fund.

SEC. 2. That all laws contrary to the provisions of this Act be, and they are hereby, repealed, and that this act shall take effect and be in force from and after its passage.

Approved March 3rd, 1885.

## ACT XXXV.

AN ACT supplemental to an act entitled "An Act amendatory of an Act providing for the support of the State Government and the dissolution of the State Board of Finance.

### SECTION.

1. Authorizes the Governor to sign and execute bonds.
2. Requires bonds now in Sinking Fund unsigned to be executed.
3. Act in force and effect from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That it is hereby made the duty of the Governor and Fiscal Agent of the State to sign and duly execute the bonds authorized by the Act to which this is supplemental, to be deposited in the State Treasury to the credit of the Interest and Sinking Fund, and that they shall be held in such fund until redeemed with cash.

SEC. 2. That any bonds now on deposit in said fund unsigned, shall be duly executed by the Governor and Fiscal Agent.

SEC. 3. That this Act take effect from and after its passage.  
Approved March 4th, 1885.

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### ACT XXXVI.

AN ACT to change the time of holding the County and Probate Courts of Madison County and the Probate Courts of Desha County.

SECTION.

1. Changes times for holding County Court of Madison County.
2. Changes times for holding the Probate Court in Madison County.
3. Changes times for holding Probate Court in Desha County.
4. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the County Court of Madison County be held on the second (2nd) Mondays of January, April, July and October in each year.

SEC. 2. That the Probate Court of Madison county shall be held on the third (3rd) Mondays of January, April, July and October in each year.

SEC. 3. That the Probate Courts in Desha county shall be held at the county seat on the first (1st) Thursdays after the first (1st) Mondays in January, April, July and October of each year; and at Watson, for the Watson District in said county, on the fourth (4th) Mondays in February, May, August and November of each year.

SEC. 4. That this Act take effect and be in force from and after its passage.

Approved March 5th, 1885.



ACT XXXVII.

AN ACT to amend section 5446 of Mansfield's Digest.

SECTION.

1. Amends section 5446 of Mansfield's Digest.
2. Repeals conflicting laws.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That section five thousand, four hundred and forty-six (5446) of Mansfield's Digest be, and the same is, hereby amended to read as follows: Every company or association formed under the provisions of this Act, shall, within two years, file a map and profile of the route intended to be adopted as provided in section five thousand, four hundred and forty-two (5442).

SEC. 2. That all laws and parts of laws in conflict herewith be, and the same are, hereby repealed.

Approved March 5, 1885.

ACT XXXVIII.

AN ACT to change the name of Dorsey county.

SECTION.

1. Changes the name of Dorsey county to that of Cleveland county.
2. Act in force from passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas:* That the name of Dorsey county, in this State, be, and the same is, hereby changed to that of Cleveland county.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved March 5, 1885.

## ACT XXXIX.

AN ACT to prevent Sabbath breaking.

## SECTION.

1. Makes it unlawful for any club, person or persons to play base ball on the Sabbath.
2. Penalties for violation of this Act.
3. Act in force and effect from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That, hereafter, it shall be unlawful for any club, person or persons to engage in any game or play of base ball in this State on the Christian Sabbath or Sunday.

SEC. 2. That all persons violating the preceeding section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten (\$10.00) dollars, nor more than twenty (\$20.00) dollars in each case.

SEC. 3. That this act take effect and be in force from and its passage.

Approved March 5th, 1885.

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## ACT XL.

AN ACT to authorize the enclosing of certain overflowed lands on Little Red river, and for other purposes.

## SECTION.

1. Authorizes owners of overflowed lands on Little Red river to fence the same under conditions specified in the section.
2. Owners required to fence in proportion to the acreage owned by them,
3. Owners elect three of their number, whose duty shall be to apportion to owner of land the amount of fence he is required to build.
4. Makes it a misdemeanor to turn stock of any kind within the enclosures, and fixes penalties.
5. Penalties for falling to erect their proportion of fence as required by section three.
6. A misdemeanor to leave open gates and bars.
7. Repeals conflicting laws, and this Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the owners of the lands lying in the overflowed

lands on Little Red river, situated between the line of section twenty-eight (28) and thirty-three (33), in township ten (10) north range nine (9) west, and the west line of section ten (10) in the same township and range in Cleburne county, are hereby authorized to enclose said lands with one continuous fence on each side of said river, by placing said fence on the lands above overflow. Provided that the said owners of the said lands shall, at all times, keep a good gate with convenient fastenings on both sides of said enclosure on the Sugar Loaf and Jacksonport, and Sugar Loaf and Judsonia roads; and, provided further, that this act shall not be so construed as to abolish said roads as public highways.

SEC. 2. *Be it further enacted*, That it shall be the duty of the respective owners of said lands to erect, or cause to be erected, so much of said fence as would be in proportion to the amount of acreage owned by each party within said enclosure.

SEC. 3. *Be it further enacted*, That for the purpose of ascertaining what amount of fencing each of said land owners shall be required to do, said land owners shall elect, on the first (1st) Monday in March, eighteen hundred and eighty-five (1885), and on the first (1st) Monday in January of each succeeding year, three of their number who shall take an oath to faithfully perform their duty without prejudice or favor, and apportion to each of said land owners the amount of fencing that would fall to his share as provided in section two (2) of this Act.

SEC. 4. *Be it further enacted*, That it shall be deemed a misdemeanor for any one to turn any stock of any kind at large in said enclosure; and any person found guilty of said act shall be fined in any sum not less than one (\$1) dollar, nor more than ten (\$10) dollars, and in addition to the above penalty shall be liable for double the damages that any one may sustain by reason of said stock running at large in said enclosure, to be recovered by action before any court having competent jurisdiction. *Provided*, That this section shall not be so construed as to prohibit any person from fencing his own land separately and pasturing said lands.

SEC. 5. *Be it further enacted*, That should any person fail or refuse to do the amount of fencing provided for in Section three (3) of this Act, then, any person may proceed to do said fencing, and have said fencing valued by three (3) disinterested persons, and, if said person who fail to do said fencing shall refuse or fail, on a demand to pay for said fencing, then said person or persons, who shall have performed such labor, shall recover against said recusant, before any court of competent jurisdiction, judgment for the amount of the award of the appraiser, together with fifty (50) per cent. penalty for refusing to pay said award, and all cost of suit, and said judgment shall operate as a lien on the lands of said delinquent lying in said enclosure, and may be enforced as mechanics' liens are now enforced by law.

SEC. 6. *Be it further enacted*, That it shall be a misdemeanor for any one willfully to leave any gate, bars, or other pass way leading into said enclosure open, or unfastened, or to leave down any of said fence, and for every such offence shall be fined in any sum not less than five (\$5.00) dollars, nor more than fifty (\$50.00) dollars.

SEC. 7. *Be it further enacted*, That all laws and parts of laws, so far as they conflict with this Act, are hereby repealed, and that this Act take effect and be in force from and after its passage.

Approved March 6th, 1885.

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## ACT XLI.

AN ACT supplementary to the Act extending the time for collecting the taxes for the year of eighteen hundred and eighty-four (1884), approved February, 1885.

SECTION.

1. Extends the time for filing the delinquent list of personal taxes for 1884.

2. Extends time for filing the delinquent list of real estate taxes for 1884.
3. Changes time for advertising delinquent lands for 1884, and previous years.
4. Fixes time for sale of delinquent lands.
5. Act in force from passage. This Act not to be construed as repealing the General Revenue Laws, except for years specified in this Act,

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the time for filing the delinquent list of personal property as provided in section five thousand, seven hundred and fifty-one (5751) of Mansfield's Digest, be, and the same is, extended to the twentieth (20th) day of June, eighteen hundred and eighty-five (1885) for taxes for eighteen hundred and eighty-four (1884) and previous years.

SEC. 2. That the time for filing the delinquent list of real estate, as provided in section five thousand, seven hundred and sixty (5760) of Mansfield's Digest be, and the same is, hereby extended to the fourth (4th) Monday in April, eighteen hundred and eighty-five (1885) for the taxes of eighteen hundred and eighty-four (1884) and previous years.

SEC. 3. That the advertisement of the delinquent lands for eighteen hundred and eighty-four (1884), and previous years, shall be between the fourth (4th) Monday of April, eighteen hundred and eighty-five (1885), and the fourth (4th) Monday of May, eighteen hundred and eighty-five (1885), instead of the time fixed in section five thousand, seven hundred and sixty-two (5762) of Mansfield's Digest.

SEC. 4. That the sale of delinquent lands for eighteen hundred and eighty-four (1884), and previous years, shall begin on the fourth (4th) Monday of May, eighteen hundred and eighty-five (1885), instead of the time fixed in section five thousand, seven hundred and sixty-four (5764) of Mansfield's Digest.

SEC. 5. That this Act take effect and be in force from and after its passage. Provided, that this Act shall not be construed to repeal or effect the General Revenue Laws of the State for any years, other than those designated in this Act.

Approved March 5th, 1885.

## ACT XLII.

AN ACT to change the boundary lines between Monroe and Prairie counties.

## SECTION

1. Changes boundary lines between Monroe and Prairie counties. Specifies what territory attaches to Prairie county.
2. Specifies what territory attaches to Monroe county.
3. Certain citizens exempted from paying any part of debt of Monroe county.
4. Conflicting laws repealed and Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the boundary lines between Monroe and Prairie counties be, and the same are, hereby changed, so that all of the following territory, viz: Sections five, six, seven, eight, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, (5, 6, 7, 8, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36), of township one (1) south range four (4) west, now in Monroe county, be detached from said Monroe county, and attached to Prairie county, and become and form a part of Prairie county.

SEC. 2. That all of the following territory, viz: All of that part of township one (1) north range three (3) west, lying west of White river, and all of sections thirty-three, thirty-four, thirty-five and thirty-six, (33, 34, 35 and 36) in township one, (1) north, range four (4), west, now in Prairie county, be detached from said Prairie county and attached to Monroe county, and become and form a part of the territory of said Monroe county.

SEC. 3. That the territory described in section two (2) of this Act, and the citizens thereof, shall be exempt from taxation for paying any of the existing indebtedness of the said Monroe county.

SEC. 4. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed, and that this Act take effect and be in full force from its passage,

Approved March 5th, 1885.

ACT XLIII.

AN ACT to provide for the support of the Arkansas Deaf Mute Institute, from the first (1st) day of January, eighteen hundred and eighty-five (1885), to the thirty-first (31st) day of March, eighteen hundred and eighty-five (1885), inclusive.

SECTION.

1. Makes appropriation for support of Arkansas Deaf Mute Institute.

*First.* To pay the principal.

*Second.* To pay the matron.

*Third.* To pay the head teacher (non-resident).

*Fourth.* To pay three teachers.

*Fifth.* To pay teacher of articulation.

*Sixth.* To pay physician.

*Seventh.* To pay instructor in printing office.

*Eighth.* To pay instructor in shoe shop.

*Ninth.* To pay board of directors.

*Tenth.* To pay current expenses of each pupil in attendance.

*Eleventh.* To carry out the provisions of Act approved December 17, 1875, in regard to clothing and personal expenses.

2. Act in force and effect from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the following sums of money are hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the support and maintenance of the Arkansas Deaf Mute Institute, for three months, beginning on the first (1st) day of January, eighteen hundred and eighty-five (1885), and ending on the thirty-first (31st) day of March, eighteen hundred and eighty-five (1885), to-wit:

The sum of five thousand, three hundred and twenty dollars (\$5320.00), as follows:

First. For the pay of principal, the sum of three hundred dollars (\$300.00).

Second. For the pay of matron, the sum of one hundred and twenty-five (\$125.00) dollars.

Third. For the pay of head teacher (non-resident), the sum of two hundred and fifty (\$250.00) dollars;

Fourth. For the pay of three teachers, the sum of three hundred and fifty (\$350.00) dollars;

Fifth. For the pay of teacher of articulation, the sum of one hundred and fifty (\$150.00) dollars;

Sixth. For the pay of attendant physician, the sum of one hundred (\$100.00) dollars ;

Seventh. For the pay of instructor in the printing office, one hundred and twenty-five (\$125.00) dollars ;

Eighth. For the pay of instructor in the shoe shop, the sum of one hundred (\$100.00) dollars ;

Ninth. For the pay of the board of directors, the sum of forty-five (\$45.00) dollars ;

Tenth. To pay current expenses of each pupil in attendance, the sum of forty-five (\$45.00) dollars, payable in monthly installments, not to exceed the sum of three thousand six hundred (\$3600.00) dollars: Provided, that in case the parents or guardians of any pupil shall pay, in whole or in part, for the board and tuition of such pupil, the amount so paid shall be deducted from the forty-five (\$45.00) dollars appropriated by the State ;

Eleventh. To carry out the provisions of an Act approved December seventeenth (17th), eighteen hundred and seventy-five, (1875) to provide for the clothing and other personal expenses of the benevolent institutions of the State, to be refunded by their respective counties, the sum of ten (\$10.00) per pupil: Provided, the sum appropriated for this purpose shall not exceed one hundred and seventy-five (\$175.00) dollars.

SEC. 2. That this Act shall take effect from and after its passage.

Approved March 6th, 1885.

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## ACT XLIV.

AN ACT to amend Sections 6549, 6550, 6551 and 6552 of the Revised Statutes of Arkansas.

SECTION.

1. Amends section 6549 of the Revised Statutes relating to premiums on scalps.



2. Amends section 6550 relating to the manner in which claims for scalps shall be proved up, &c., &c.,
3. Amends section 6551, relating to the form for claims for scalps.
4. Amends Section 6552, relating to the robbing of traps or pits, and fixes penalty.
5. Repeals conflicting laws, and Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That section six thousand, five hundred and forty-nine (6549) of the Revised Statutes of Arkansas be amended so as to read as follows, to-wit: The county court may declare the sum to be paid as a premium on wolf, wild cat and panther scalps, and any person who kills a wolf, wild cat or panther shall receive the sum so declared, to be paid out of the Treasury of the county in which such wolf, wild cat or panther shall have been killed.

SEC. 2. That section six thousand, five hundred and fifty (6550) of the Revised Statutes of Arkansas be amended so as to read as follows, viz: Any person killing a wolf, wild cat or panther shall exhibit the scalp, with both ears of said animal, to a magistrate of the county, within thirty (30) days after killing the same, and such magistrate shall examine such person on oath, or any other competent witness on oath, touching the time, place and by what means said scalp was procured, and as to whether such animal was killed within said county; and when said magistrate shall be satisfied that the person exhibiting said scalp, or scalps, is entitled to the above mentioned premium, he shall certify said facts to the county court, and the said magistrate shall burn or otherwise destroy all said scalps for which he has given a certificate.

SEC. 3. That section six thousand, five hundred and fifty-one (6551) of the revised statutes be amended so as to read as follows, to-wit: The certificate to be given by the magistrate, as required in the preceding section, shall be, as near as may be, in the following form, to-wit: State of Arkansas, County of— } ss. I, A. B., a Justice of the Peace, within and for the county aforesaid, do hereby certify that—has this day exhibited to me——scalps of (wolf, wild cat or panther, as the case may be) and that upon an examination of said——and——, under oath by me, I find that he, the said——, is entitled to the premium allowed by law for the taking of said scalps, and I

further certify that I did destroy said scalps as required by law. Given under my hand this——day of——18——. A. B., J. P.

SEC. 4. That Section six thousand, five hundred and fifty-two (6552) be amended so as to read as follows, to-wit: If any person shall take away any wolf, wild cat or panther, out of any pit or trap made or set to catch the same, thereby to cheat or defraud the owner of such pit or trap of his premium, such person, taking away as aforesaid, shall forfeit and pay to the owner of such pit or trap the sum of five (\$5.00) dollars for every wild cat, eight (\$8.00) dollars for each wolf and ten (\$10.00) dollars for each panther taken out as aforesaid, with costs of suit, to be recovered in an action founded on this statute.

SEC. 5. Be it further enacted, That all laws in conflict herewith be, and the same are, hereby repealed, and that this Act take effect from and after its passage.

Approved March 6th, 1885.

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## ACT XLV.

AN ACT to compel persons engaged in cutting timber to have surveyed the land upon which they propose to cut timber.

SECTION.

1. Requiring persons cutting timber to have the lands surveyed, whether they are owners of these lands or persons holding timber rights.
2. Penalties for violation of this act.
3. Does not repeal an act approved March 17th, 1883.
4. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. Hereafter, before any person or persons, who shall desire to cut and remove for purpose of rafting, making railroad ties, piling, telegraph poles, staves, or sawing into lumber, any timber from any land in this State, he, or they, shall, unless the

same has been surveyed and the boundaries thereof ascertained and known, before cutting and removing the same, procure the county surveyor of the county in which such land may be situated and cause such land to be surveyed by said surveyor, and the metes and bounds of such land shall be marked and plainly established. And this act shall apply as well to persons purchasing timber rights from lands of this state, as to land owners.

SEC. 2. Any person who shall be found guilty of a violation of the provisions of this Act shall be deemed to have committed a misdemeanor and shall be fined, for each offense, in any sum not less than twenty-five (\$25.00) nor more than three hundred (\$300.00) dollars, and may be imprisoned in the county jail not more than six (6) months.

SEC. 3. The provisions of this Act are not intended to repeal, or, in any manner, interfere with the provisions of an Act approved March 17th, 1883, upon the same subject.

SEC. 4. This Act shall take effect from and after its passage.  
Approved, March 6th, 1885.

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## ACT XLVI.

AN ACT to be entitled an Act to change the time for holding the Circuit Court of Pulaski county.

### SECTION.

1. Changes the time for holding the Circuit Court of Pulaski county, and makes all business and processes returnable at the times fixed by this Act.
2. Conflicting laws repealed, and this Act takes effect sixty days after passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That from and after the Spring term of 1885 the Circuit Court of Pulaski county shall be commenced and held on the second (2nd) Mondays in March and the fourth (4th) Mondays

in October of each year. And all the business pending in said court, at the taking effect of this Act, shall stand for hearing at the time herein specified for the holding of said court, with the same effect as though no change had been made in the times of holding said court.

SEC. 2. Be it further enacted, that all laws in conflict with this Act be, and the same are, hereby repealed, and that this Act take effect sixty (60) days after its passage.

Approved March 6th, 1885.

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## ACT XLVII.

AN ACT to declare Tyronza river a navigable stream from the mouth of Big Creek, in Crittenden county, to the bridge of the Kansas City, Springfield and Memphis railroad, spanning said river in Poinsett county, in the State of Arkansas:

SECTION.

1. Declares Tyronza river, within certain limits, to be a navigable stream.
2. Forbids any person to fell trees or in any other way obstruct the navigation, and fixes penalties.
3. The Circuit Courts of Crittenden and Poinsett counties authorized to impose fines and penalties.
4. Conflicting laws repealed and Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That Tyronza river, from the mouth of Big Creek, in Crittenden county, to the bridge of the Kansas City, Springfield and Memphis railroad, spanning said river in Poinsett county, in the State of Arkansas be, and the same is, hereby declared to be a navigable stream.

SEC. 2. That if any person, or persons, shall fell or fasten any trees in said river, or by any other means, whatsoever, obstruct the navigation thereof, the person, or persons, so offending shall be

deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not less than fifty (\$50.00) nor more than two hundred (\$200.00) dollars, and the costs of the removal of the same, together with the additional sum of ten (\$10.00) dollars for each day such person, or persons, permit such obstructions to remain in said river.

SEC. 3. That the Circuit courts of the counties of Crittenden and Poinsett, upon information, are hereby fully authorized and empowered, by and under this Act, to impose fines and penalties in pursuance of section two (2) of this Act, upon any and all persons violating or offending any of the provisions of this Act in their respective counties.

SEC. 4. That all laws and parts of laws in conflict herewith are hereby repealed, and that this Act shall take effect and be in force from and after its passage.

Approved March 6th, 1885.

## ACT XLVIII.

### AN ACT to encourage stock raising.

#### SECTION.

1. Gives a lien to the owner of any jack, stallion, bull, ram, or boar, on any mare, jennet, cow, ewe, or sow, for services rendered.
2. Lien shall attach after time of service, and may be enforced in same manner as laborer's lien.
3. In case of sale or removal of any mare, jennet, cow, ewe or sow, having been served, the owner of any jack, stallion, bull, ram, or boar, having a lien on same, may proceed against the same, wherever found, in the manner prescribed in actions to enforce mortgage or lien upon personal property.
4. Act in force and effect after passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. The owner or keeper of any jack, stallion, bull, ram, or boar shall have a lien upon the mares, jennets, cows, ewes and sows put to any such jack, stallion, bull, ram or

boar, for the care and labor of such owner or keeper in and about the service of such jack, stallion, bull, ram, or boar, for the amount of the price at which said mares, jennets, cows, ewes, or sows are put to such jack, stallion, bull, ram, or boar.

SEC. 2. Such lien shall attach after the time of the service of any such mare, jennet, cow, ewe, or sow by any jack, stallion, bull, ram, or boar, and shall be foreclosed or enforced at any time within thirty days after the maturity of the debt, as agreed upon by the parties to the contract, and may be enforced or foreclosed in the same manner as laborers' liens are enforced by law.

SEC. 3. If at any time, any mare, jennet, cow, ewe, or sow, subject to the lien herein mentioned, should be sold or traded to any person not a party to the original contract of service, or if any person shall attempt to remove such mare, jennet, cow, ewe, or sow from the county where such service was rendered, the said lien shall not thereby be lost, but the owner or keeper of any jack, stallion, bull, ram, or boar, to which such mare, jennet, cow, ewe, or sow was put, shall be entitled to enforce and foreclose the lien he may have by reason of this Act, at once, against such mare, jennet, cow, ewe, or sow, in the hands of any person, and may proceed as in actions to enforce a mortgage of, or lien upon, personal property.

SEC. 4. That this Act take effect and be in force from and after its passage.

Approved March 7, 1885.

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## ACT XLIX.

AN ACT prescribing a standard for the measurement of the capacity of cisterns in the State of Arkansas.

SECTION.

- 1 Defines the meaning of the term "barrel," and its holding capacity.—Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That whenever in any contract for the repair or construction of any cistern in this State, the capacity of which is represented in barrels, there is no other specification of the holding capacity of said barrels, the term "barrel" shall be taken and held, in law, as meaning and intending a holding capacity which is the exact equivalent of the cubical contents of thirty-six (36) times that of the standard gallon measure of the United States, now in use, and kept, as required by law, in the office of the Secretary of State of Arkansas.

This Act shall take effect and be in force on and after the thirtieth (30th) day after its passage.

Approved March 7, 1885.

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ACT L.

AN ACT to confirm and make valid certain acts of the Governor, Treasurer and Commissioner of State Lands, in relation to the sale and redemption heretofore of Real Estate Bank Lands.

PREAMBLE.

SECTION.

1. Confirms appointment of appraisers made by the Governor, as well as all sales made by the Commissioner of State Lands, and receipts given by the Treasurer of States, under certain Acts specified in the section.
2. Act in force and effect from passage.

*Whereas*, By an Act of the General Assembly of the State of Arkansas, entitled "An Act fixing the price of State Lands and for other purposes," approved March 5th, eighteen hundred and seventy-

five (1875), it is provided that the Commissioner of State Lands shall offer the lands appraised as Real Estate Bank Lands at public sale for not less than thirty, nor more than sixty, days, and that the same shall not be sold on a credit ; and,

*Whereas*, By an Act of the General Assembly of the State of Arkansas, entitled " An Act to regulate the sale of lands belonging to the State in certain cases," approved December the fifteenth (15th) eighteen hundred and seventy-five, (1875) reference is made to a proclamation of such lands by the Governor as provided for in section three thousand, nine hundred and forty-six (3946) of Gantt's Digest, and it is further provided that such lands shall be withheld from sale for ninety days, except to such persons as may have been the owners of the equity of redemption at the time of purchase by the State ; and

*Whereas*, Confusion has arisen as to the proper construction of said Acts by the Governor, the Treasurer, and the Commissioner of State Lands, therefore,

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That all appointments of appraisers by the Governor, as provided by section three thousand, nine hundred and forty-two (3942) of Gantt's Digest, and the action of such appraisers so appointed pursuant to Sections three thousand nine hundred and forty-three, three thousand, nine hundred and forty-four, and three thousand, nine hundred and forty-five (3943, 3944 and 3945) of Gantt's Digest, as amended by Sections twelve and thirteen (12 and 13) of " An Act to regulate the sale of lands belonging to the State in certain cases," approved December the fifteenth (15th) eighteen hundred and seventy-five (1875) and that all proclamations heretofore made by the Governor, and all sales made and redemptions allowed heretofore by the Commissioner of State Lands, either for cash or on a credit, and all credits entered and receipts granted by the Treasurer of State, under said Acts and under Sections three thousand nine hundred and forty-nine, three thousand nine hundred and fifty, three thousand nine hundred and fifty-one, three thousand nine hundred and fifty-two, three thousand nine hundred and fifty-three, three thousand nine hundred and fifty-four, three thousand



nine hundred and fifty-five, three thousand nine hundred and fifty-six and three thousand nine hundred and fifty-seven, (3949, 3950, 3951, 3952, 3953, 3954, 3955, 3956, 3957) of Gantt's Digest be, and the same are hereby ratified, confirmed and made valid, the same as if such appra[i]sements, proclamations, sales and redemptions were made in strict accordance with law.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 13th, 1885.

## ACT LI.

AN ACT to Establish Two Separate Judicial Districts in the County of Franklin, in the State of Arkansas.

### SECTION.

1. Divides the County of Franklin into two Judicial Districts.
2. All that part of the County north of the river and middle Township on the south side to be known as Ozark District, and residue of County to be called Charleston District.
3. The Circuit, Chancery and Probate Courts to be held at Ozark, except as hereinafter provided.
4. The same number of sessions of the Courts of the County shall be held at Charleston as are held at the County seat, at the times to be designated by the Circuit Judge of the Fifth Judicial District.
5. The Court held at County seat shall have exclusive jurisdiction over Ozark District, &c.
6. Districts shall be considered separate and distinct as if two counties.
7. Change of venue may be taken from one district to the other, or to another county.
8. Judgments and decrees shall be liens only in the districts where rendered—executions shall have same force in both districts—sales of property by Sheriff may be made in either district.
9. Citizens are only liable to serve on juries in the district where they reside. May be subpoenaed to attend courts in either district.
10. Fixes times for holding Probate Court in Charleston District.
11. Fixes times for holding Circuit Court in Charleston District.
12. All actions now pending shall be tried in the Ozark District, provided parties litigant may take change of venue. Duty of officers in cases of change of venue.
13. Courts in the Ozark District shall be held at the time now fixed by law.
14. Requires Sheriff, Clerk, Treasurer and Probate Judge of County to appoint deputies resident and have offices in each district.
15. The Clerk shall provide separate seals, books and records, for each district.

17. In all matters not provided for in this Act the County of Franklin is considered as undivided. All processes issued by Clerks shall specify to which district they are returnable.
18. All laws now in force not inconsistent with this Act, are declared to be in full force in the Charleston District.
19. Clerk shall keep separate the financial records of each district.
20. All revenues of the county shall be for the exclusive use of the district in which it may be collected.
21. Moneys derived from donations shall be divided between the districts in proportion to the number of inhabitants in each.
22. The indebtedness of the county shall be divided in proportion to the value of the property in each district, as assessed in 1885.
23. Receipts for deposits of money with Treasurer shall certify to which district it belongs.
24. County Judge shall direct Clerk to procure necessary Record Books for Charleston District.
25. On or before January 1st, 1887, a Court House shall be erected at Charleston where the court shall be held.
26. All conflicting laws are repealed, and this Act be in force and effect thirty days after its passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the County of Franklin shall be divided into two Judicial Districts, to be called the Ozark District and the Charleston District.

SEC. 2. That all that portion of Franklin county lying north of the Arkansas river and Middle township, as now defined on the south side of the Arkansas river, shall compose and be called the Ozark District, and the residue of said county shall compose and be called the Charleston District.

SEC. 3. That the Circuit, Chancery and Probate Courts of Franklin county, in and for the Ozark District, shall continue to be held at the county seat at Ozark, as now provided by law, except as hereinafter provided, and there shall be no change in the style of the process and legal proceedings which shall be pending in said courts.

SEC. 4. That the Circuit, Chancery and Probate Courts of Franklin shall be holden the same number of sessions in the town of Charleston, at a place to be provided hereafter by the citizens of said District, as by law said courts are now holden at the county seat of said county, and at such times as may be designated by the Circuit Judge of the Fifth (5th) Judicial District of the State of Arkansas, and shall be called the Circuit Court and Probate Court of the county of Franklin for the Charleston District, and the authority and territorial jurisdiction of said Circuit Courts shall ex-

tend over the Ozark District, the same and in like manner as if said district was a constitutional county of this State; and said Circuit Court of Franklin county, for the Charleston District, shall have original and exclusive jurisdiction of all such cases as are now, by law, vested in the Circuit Courts of this State which have arisen, or may hereafter arise, in the Charleston District. *Provided*, That no citizen or resident of the Ozark District shall be liable to be sued in the said Charleston District, nor any citizen or resident of the said Charleston District shall be liable to be sued in the said Ozark District in any action whatever.

SEC. 5. That the Circuit Court of the county of Franklin, held at the county seat, shall have original and exclusive jurisdiction over the Ozark District, and, that from and after the passage of this Act, said court shall be styled the Circuit Court for the county of Franklin for the Ozark District.

SEC. 6. That in order to ascertain in which of the respective districts in said county actions cognizable in the Circuit Court shall be returnable and tried, the said Districts for all the purposes of this Act shall be considered as separate and distinct counties, and the mode and place for trying suits shall be determined by the general law applicable to different counties, except that all process, civil, criminal, original, mesne and final that may be issued from the Criminal Court of either District shall run through the whole county, and have like effect as as if the court where it issued were the only Circuit Court in said county. *Provided*, That no process, except subpoenas for witnesses, criminal process and executions issued by the Circuit Court of the Ozark District, shall be served on any citizen or resident of the Charleston District.

SEC. 7. That the Circuit Courts, hereby established in the respective Districts of Franklin county, shall be as distinct from each other, and have the same relation to each other, as if they were Circuit Courts of different counties, and may change the venue from one District to another, or to any other county in the Judicial Circuit, in like manner as changes of venue are granted in this State.

SEC. 8. That all judgments and decrees rendered in the Circuit

Courts of the respective Districts shall be liens upon real estate only in the District where such judgments and decrees are rendered ; but executions in the hands of the Sheriff shall have the same lien and force throughout the entire county as though but one court was held in said county ; and all sales of real estate or other property made by the Sheriff, in accordance with the laws of this State regulating Judicial sales, at the Court House door of the Charleston District, shall be as lawful as if made at the Court House door of the county seat. *Provided*, That all sales upon executions, decrees and orders of the Courts of [the] Charleston District, shall be made at the Court House door of the Charleston District.

SEC. 9. That the citizens of Franklin county shall only be liable to serve on juries in the district in which they reside ; but all persons may be subpoenaed in any portion of said county to attend either court, in like manner and with the same effect, as is now provided by law to compel witnesses to attend any of the courts of this State.

SEC. 10. That the Judge of the Probate Court of Franklin county shall be the judge of the Probate Court of Charleston District, and the judge of said court shall hold the same at the Court House in Charleston District on the fourth (4th) Monday in January, April, July and October of each year.

SEC. 11. That until otherwise provided by law, the terms of the Circuit Court in said Charleston District, shall be begun and holden on the third (3rd) Monday of January and June of each year.

SEC. 12. That all actions, either in law or equity, now pending in the Circuit Court or Probate Court of said county of Franklin, shall remain for adjudication and be tried in Circuit, Chancery or Probate Courts held in the Ozark District. *Provided*, However, that when parties litigant, or their attorneys, in any civil or Probate matters, petition the court in which such suit or suits are pending, and showing in such petition that it would be to the interest of parties litigant to change the venue to the Charleston District, the court, if satisfied of the justness of said petition, may order such suit or suits to be transferred from the Ozark to the Charleston District ; in which case it shall be the duty of the Clerk of the court

of the Ozark District to make out a full and complete transcript of all the record entries and send the same, together with all the original papers in such cause filed in his office, to the Clerk's office in the Charleston District, which said transcript, so made out, shall be under the proper seal of said court, and duly certified to by the Clerk at the expense of the party applying for and obtaining such change of venue.

SEC. 13. That the Probate Court in the Ozark District shall be holden at the same times as by law is now provided, and said Probate Court shall have jurisdiction of all matters pertaining to its jurisdiction within the territorial limits of the Ozark District, and said court shall be styled the Probate Court of the county of Franklin for the Ozark District.

SEC. 14. That all matters of probate jurisdiction pertaining to that part of Franklin county within the Charleston District, and to persons and property resident and being therein, shall be subject to the jurisdiction and examination of the Probate Court of the county of Franklin for the Charleston District, and said Probate Court shall be holden for the Charleston District, commencing two weeks after the commencement of the Probate Court for the Ozark District, as provided for in Section thirteen (13) of this Act.

SEC. 15. That the Sheriff, Clerk, Treasurer and Probate Judge of the county of Franklin shall be the Sheriff, Clerk, Treasurer and Probate Judge of both Ozark and Charleston Districts and invested with all the ministerial and judicial and ex-officio powers in the respective districts as such officers are now by law; and it is hereby made the respective duty of the Sheriff, Clerk and Treasurer of the county of Franklin, by and with the approval of the presiding judge of the County Court, to appoint a deputy; and each of the above named officers shall reside in one of said districts and their deputies in the other, and the Sheriff, Clerk and Treasurer, or their deputies, shall reside in the town of Charleston, in the Charleston District.

SEC. 16. That the Clerk of the Circuit Court of the county of Franklin shall keep an office in the town of Charleston, in the Charleston District, at which place said clerk or his deputy shall reside, in addition to the office now required by law to be kept at

the county seat of said county. It shall be the duty of said clerk to provide a seal for the Circuit Court of the county of Franklin, for the Charleston District, which shall be the seal of the Probate Court of the Charleston District, and, also, the seal of the Recorder; and to be in all respects and in like manner as the seal of the Circuit Court is now, by law, used in this state. He shall furnish all necessary books and records now, by law, required to be kept in the offices of the Clerks of the Circuit Court, and Probate Court and Recorder's offices of this state, to be paid for by the county court of Franklin county, out of the revenue from said Charleston District, and it shall be the duty of said Clerk to record all deeds and other instruments in writing, now required by law to be recorded, which belong to the inhabitants, or property interests of any kind of the Charleston District, in the proper books of his office, in apt time, and in like manner and for the same compensation as the said Clerks are now allowed for similar services. All such records and entries as shall be made in said Clerk's office, of the Charleston District, shall have the same force and effect and be used in the same manner, and the same faith and credit be given them as is due similar entries or transcripts made in Clerk's offices in this State. *Provided*, that all deeds or other instruments in writing, required to be recorded, effecting property in the Ozark District, shall be recorded in the Ozark District.

SEC. 17. That, as to all matters not within the provisions of this Act, the county of Franklin shall be one entire and undivided county. In all business done by said Clerk of Franklin county, he shall state in what district the same is done and shall specify in what court his proceedings have relation to, and shall state the capacity in which he acts, as is now required by law. All process issued by the Clerk of the Circuit Court of the county of Franklin shall be made returnable, according to existing laws, to the proper District, disclosing in such process the time, place and court at which the parties to be served with such process are required to attend, and in all cases not necessary for the purposes of this Act, the Clerk shall style himself the Clerk of the proper court or office of the county of Franklin and not as the Clerk of either District, as herein provided for.

SEC. 18. That all laws now in force in this State, not inconsistent with this Act, for the government of the Circuit and Probate Courts, county offices and the institution of suits in civil and criminal cases, summoning, trying, impaneling and charging grand and petit jurors and the general disposition of all business shall be, and the same is hereby declared to be, in full force in Charleston District.

SEC. 19. That the Clerk of the County Court of Franklin county shall keep two financial records, in one of which he shall keep a true and perfect record of the financial affairs of the Ozark District, and in the other he shall keep a similar record for the Charleston District. The financial affairs of each District shall be kept as separate and distinct as though the two Districts were separate and distinct counties.

SEC. 20. That all revenue accruing to the county of Franklin from the sale of forfeited state and county lands, liquor and ferry license, and from all other sources whatever, shall be used for the exclusive benefit of the District in which such revenue may arise.

SEC. 21. That all money and all money derived from donations to the county of Franklin, from whatever source given to said county, shall be divided between the Ozark and Charleston Districts in the ratio of the number of inhabitants of each of said Districts to the whole number of inhabitants of said county at the time the gift or donation was made.

SEC. 22. That the indebtedness of the county of Franklin outstanding on the first (1st) day of January, A. D., one thousand, eight hundred and eighty-six (1886) shall be apportioned to the two Districts aforesaid, in proportion to the assessed valuation of their taxable property as estimated by the assessment of A. D., one thousand, eight hundred and eighty-five (1885).

SEC. 23. That in making deposits of county funds with the county treasurer, the sheriff and collector shall take his receipt specifying to which District said funds belong.

SEC. 24. That it shall be the duty of the presiding judge of the county court, immediately after the passage of this Act, to order and direct the Clerk of the Circuit Court to procure all such re-

ords as are necessary for the transaction of such business in the Charleston District of Franklin county as is, in this Act, provided.

SEC. 25. That on or before the first (1st) day of January, eighteen hundred and eighty-seven (1887) there shall be erected a court house, on some site hereafter to be selected in the town of Charleston, at the expense of said Charleston District, in the county of Franklin, where the Circuit, Chancery and Probate courts of said Charleston District may be held, and all the business appertaining to said courts be transacted and conducted in all respects as is, by law, required at the county seat of said county. *Provided*, That the Circuit, Chancery and Probate Courts of said Charleston District may be held, and all the business appertaining to said courts be transacted in some house in the town of Charleston, to be obtained by the Sheriff of Franklin county for that purpose on or before the taking effect of this Act, until a permanent court house can be erected on the site selected by the citizens of said Charleston District, as is in this Act required. All judgments and decrees rendered in such temporary court house shall be of full force and effect.

SEC. 26. That all laws and parts of laws in contravention with this Act be, and the same are, hereby repealed, and that this Act take effect and be in force thirty (30) days from and after its passage.

Approved, March 14th, 1885.

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## ACT LII.

AN ACT to provide for the speedy settlement of claims for stock killed or injured by railroads.

SECTION.

1. Persons having stock killed by railroad trains shall give notice of same to nearest station agent. How appraisers are to be appointed. How to proceed in case of failure to appoint appraisers.
2. Persons or companies operating railroads failing to pay appraisement may be sued. How proceeding shall be had and penalties fixed,
3. Repeals all conflicting laws, and this Act in full force and effect from passage.



*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That whenever any stock, such as horses, hogs, cattle, sheep, &c., are killed or injured by railroad trains running in this State, either the owner of such stock, or the person having a special ownership therein, or the railroad company or person operating such railroad, shall by notice served upon the opposite party, demand an appraisement; such notice if given to the railroad company, shall be sufficient if served upon the station agent nearest the place where the injury occurred, or upon any station agent in the county. In the notice the party shall name a person, a citizen of the county in which the injury occurred, as an appraiser; the other party shall, within ten days, select another citizen of the county, and shall notify the opposite party of the person selected. If the party so notified shall neglect for ten days to appoint an appraiser, then the person named in such first notice shall select some citizen of the county to act with him as appraiser, and in case of disagreement they shall select an umpire. They shall be sworn to tru[e]ly, and without favor assess the damages, and any two of them agreeing, shall reduce their finding to writing, sign it in duplicate, and deliver one copy to the owner of such stock and the other to the depot agent of the railroad company.

SEC. 2. If the person or company operating such railroad, shall, within thirty days after the delivery of such appraisement to their agent, pay the amount assessed as damages, such payment shall be in full satisfaction of all demands for the killing and injury of such stock, and they shall be released from further liability therefor; but in case they neglect or refuse to make such payment within thirty days, and the person owning such stock shall sue for damages done to such stock and recover, the court trying the case shall assess in addition to the amount assessed as damages for the killing or injuring of such stock, a reasonable attorney's fee for the plaintiff, and in any such court, to which the appeal may be taken to, the court shall allow a reasonable attorney's fee, to be taxed and collected as other costs in the case in such court; but, if such company or person

tender such owner of such stock the full amount of such appraisal within thirty days, and the same be refused, and he shall institute suit for damages to such stock, unless such person recover in such suit a greater amount than that tendered, the court trying such case shall assess a reasonable attorney's fee for the defendant, and, in case of appeal, the court to which the appeal is taken shall assess a reasonable attorney's fee for the defendant, to be taxed and collected as other costs in the case in such court.

SEC. 3. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed, and that this Act take effect and be in force from and after its passage.

Approved March 13, 1885.

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### ACT LIII.

AN ACT to authorize the County Courts of this State to place to the credit of the "Common School Fund" any and all school funds in the County Treasuries, whenever there is any doubt as to the proper placing of said funds.

#### PREAMBLE.

Misappropriation of County School Funds.

#### SECTION.

1. County Courts shall apportion to each School District its share of the School Funds of the county.
2. The principal derived from sale of 16th section shall not be apportioned.
3. All laws and parts thereof in conflict with this Act are repealed, and this Act in force from passage.

*Whereas*, There exists certain School Funds in the county treasury of many of the counties of this State, derived from various sources, about which there is some doubt with the County Courts as to their proper application; and

*Whereas*, These funds are in many instances, deposited in banks

and used in said banks as funds for the transaction of exchange business, and bring no interest to the School Fund, and in other instances said School Funds have lain for years in the safes of county treasurer's without any benefit accruing therefrom to the schools of said counties ; and

*Whereas*, It is utterly impossible for the County Courts to otherwise equitably appropriate said funds, unless relief in this direction is granted by the Legislature, therefore,

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the County Courts of the various counties in the State of Arkansas are hereby authorized and empowered to place to the credit of the Common School Fund of the county, any and all School Funds that may be in the county treasury, derived from various sources, and about which there is any doubt as to their proper application with the County Court, and that said School Funds, when so placed to the credit of the Common School Fund, shall be, by said County Courts, apportioned among the School Districts of the county as is now provided by law.

SEC. 2. The principal arising from the sale of the sixteenth (16th) section of land shall never be apportioned or used, and should any of the funds mentioned in this Act arise from the sale of said sixteenth (16th) section of land and there should be any doubt as to the townships from whence it came, then such townships as have not disposed of the sixteenth (16th) section of land, or may have disposed of the same and have the proceeds placed to their credit, shall not be entitled to any part of the interest arising from said doubtful sixteenth (16th) section fund.

SEC. 3. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed, and that this Act take effect and be in force from and after its passage.

Approved March 13, 1885.

## ACT LIV.

AN ACT to define the terms "Peddler" and "Hawker" and for other purposes.

## SECTION.

1. Construes the meaning of the words "Hawker" and "Peddler."
2. Repeals section 4376 of Gantt's Digest and all other laws in conflict, and this Act to be in force and effect from passage,

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That whoever shall engage in the business of selling goods, wares, or merchandise of any description, other than articles grown, produced or manufactured by the seller himself, or by those in his employ, by going from house to house, or place to place, either by land or water, to sell the same, is declared to be a peddler or hawker.

SEC. 2. That section four thousand three hundred and seventy-six (4376) of Gantt's digest, and all other laws or parts of laws, in conflict with this Act are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved March 13th, 1885.

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ACT LV.

AN ACT to amend sections fifty (50) and fifty-one (51) of Mansfield's Digest.

## SECTION.

1. Amends section 50 of Mansfield's Digest in regard to embezzlement by executors or administrators.
2. Amends section 51.
3. Act in force and effect from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That section fifty (50) of Mansfield's Digest be

amended so as to read as follows: That, if any executor or administrator, or other person interested in any estate, shall file in court, or before the Judge of the Probate Court in vacation, an affidavit, stating that the affiant has good cause to believe that any person in said affidavit named, has concealed or embezzled any goods, chattels, monies, books, papers or evidences of debt of the deceased, the court, or judge in vacation, as the case may be, shall have power to cause such person to appear before the court or judge and examine him on oath for the discovery of the same.

SEC. 2. That section fifty-one (51) be amended so as to read as follows: If any person so cited fail to appear, the court or judge shall have power to compel his attendance by attachment, and if such person, after his appearance, refuse to answer proper interrogations, the court or judge may commit him to jail, until he answers, or be otherwise discharged according to law.

SEC. 3. That this Act take effect and be in force from and after its passage.

Approved, March 17th, 1885.

## ACT LVI.

AN ACT to better facilitate the adjustment of the difference between the State of Arkansas and the United States, arising under the grant by the United States to this State of Swamp and Overflowed lands, under the Act of Congress, Approved, September the twenty-eighth (28th), eighteen hundred and fifty (1850).

### PREAMBLE.

### SECTION

1. Recommends manner in which to determine and finally adjust differences with the United States Government, in regard to the swamp and overflowed lands in this state.
2. Governor shall forward to the Secretary of the Interior a certified copy of this Act.
3. Duties of Governor and Commissioner of State Lands in case provisions of this Act are accepted.

4. Duties of Commissioner of State Lands.
5. Appropriates \$5,500 to carry out provisions of this Act.
6. Conflicting laws repealed and this Act in force from passage.

*Whereas*, There was granted to the State of Arkansas by the United States, under the Act of Congress, approved September the twenty-eighth (28th), eighteen hundred and fifty (1850), all land lying within her borders rendered unfit for cultivation by reason of its wet or swampy character, or periodical overflows in its natural state; and

*Whereas*, By section fifteen (15) of "An Act for the Reclaiming of the Swamp and Overflowed lands donated to the State by the United States," approved, January the sixth (6th), eighteen hundred and fifty-one (1851), the State elected to select such lands by placing locating agents in the field, whose duty it was to survey and examine such lands and report their action to the Governor of the State, who furnished the lists describing such selections to the United States authorities; and

*Whereas*, There is still due the State from the United States many thousands of acres of land, and a large sum of money, land warrants and scrip, as indemnity for Swamp and Overflowed lands sold by the United States after the passage of the Act of eighteen hundred and fifty (1850); and

*Whereas*, It is required by the Secretary of the Interior that the proof of the Swampy or Overflowed character of each smallest legal subdivision of such lands shall relate to the date of said Act of Congress, September the twenty-eighth (28), eighteen hundred and fifty (1850), and must be in the form of sworn testimony of persons who knew such lands on the said twenty-eighth (28th) day of September, eighteen hundred and fifty (1850); and

*Whereas*, More than thirty-four (34) years have now elapsed since such date and but few persons are now alive who can testify to the character of such land as it appeared on the twenty-eighth (28th) day of September, eighteen hundred and fifty (1850); and

*Whereas*, The policy of the state in electing to select such lands, in the manner above described, and the necessary consequent requirement of such testimony by the Secretary of the Interior. being now, in the majority of cases, wholly impossible, has retarded and

will continue to retard the adjustment and settlement of these vast differences between the State and the United States ; therefore,

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That in order to finally and speedily determine, adjust and settle all the differences properly before the General Land Office at Washington, D. C., between the State of Arkansas and the United States, now existing, or that may hereafter arise under an Act of Congress, entitled, " An Act to enable the State of Arkansas and other States to Reclaim the Swamp Lands within their limits," approved, September the twenty-eighth (28th), eighteen hundred and fifty (1850), including all cases involving indemnity due the State from the United States, being the proceeds of sales by the United States, of lands which should have inured to the State under said Act, or under any subsequent Act of Congress, either for cash, land warrants or scrip, and, also, for the purpose of enabling the State to make new selections of Swamp and Overflowed lands, the State of Arkansas hereby agrees and binds herself, the Secretary of the Interior acting on behalf of the United States, agreeing and consenting thereto, to accept as final and conclusive in determining the character of such lands, the Original Field Notes of the official survey or re-survey of such lands by the United States in all cases mentioned in this Act where such Field Notes show conclusively the naturally wet, swampy or overflowed, or the naturally non-wet, non-swampy or non-overflowed character of such lands.

*Provided,* That in no case shall such Field Notes be considered as final in determining the character of such lands where such Field Notes fail to indicate the natural character of such land, and

*Provided further,* That in no case shall such Field Notes be considered in such adjustment or selection in cases where the official survey was made subsequent to the year eighteen hundred and fifty-six (1856).

SEC. 2. That immediately after the passage of this Act the Governor of the State shall forward to the Secretary of the Interior, at Washington, D. C., a certified copy of this Act, and at the same time he shall address a communication to such Secretary requesting his acceptance and consent, on the part of the United States, of the

proposal of the State herein made, and, upon the receipt by the Governor of such acceptance, he shall notify the Commissioner of State Lands of such acceptance, and the said Commissioner shall, as soon thereafter as practicable, procure full and complete lists of the vacant United States' lands in this State, not heretofore selected by the State, as Swamp or Overflowed lands, lying in swampy or overflowed regions of the State, and he shall cause such lists to be thoroughly compared and examined with the original Field Notes of the United States survey, or re-survey; and such [each] smallest legal subdivision of such lands as are so found by him to be of the character contemplated by the said Act of September, the twenty-eighth (28th), eighteen hundred and fifty (1850), when properly carried by him into lists by United States Land Districts, as such districts shall exist, and such lists shall be officially signed and certified by such Commissioner and shall be delivered by him to the Governor of the State, who shall transmit the same to the Commissioner of the General Land Office at Washington, D. C., in such manner as may be prescribed by the Secretary of the Interior, and, at the same time, the Governor shall request the approval and patenting of such lands to the State, as provided by said Act of September the twenty-eighth (28th), eighteen hundred and fifty (1850).

SEC. 3. As soon as practicable after the passage of this Act and the consent of the Secretary of the Interior obtained as herein provided, the Governor of the State and the Commissioner of State Lands shall proceed in the manner prescribed by section two (2) of this Act, to determine the amount of cash, land warrant and scrip indemnity due the State from the United States, and as fast as such amounts are ascertained and determined, by districts, the Governor shall demand of the Secretary of the Interior, or other proper officer of the United States, the payment by the United States to the said Governor, who shall properly receipt for the same on behalf of the State, of the amounts in kind of such indemnity, and the said Governor shall immediately, upon receipt by him of the same, deposit such amounts in kind as received by him in full, with the Treasurer of the State, who shall issue triplicate receipts for the same, one of which receipts shall be delivered to the Governor, one to the Au-



ditor of the State, and one to the Commissioner of State Lands, and the Treasurer of the State shall hold such cash, land warrants and scrip as a separate and distinct fund subject to the disposal of the next succeeding General Assembly.

SEC. 4. The Commissioner of State Lands is hereby required to keep a complete record of all the tracts of land upon which such cash, land warrant and scrip indemnity is paid by the United States to the State, showing the exact amount in kind so paid on each tract thereof, with the date of such payment and the date of the deposit of the same with the Treasurer of the State, and he shall also keep a record of all lands selected by him in the manner prescribed by this Act, as inuring to the State under the said Act of eighteen hundred and fifty (1850), which records shall be filed in his office among the public archives thereof.

SEC. 5. That the sum of five thousand, and five hundred (\$5,500.00) dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the Treasury, not otherwise appropriated, to carry out the provisions of this Act, and all sums expended under this appropriation shall be upon the voucher of the Commissioner of State Lands, and approved by the Governor.

SEC. 6. All laws and parts of laws in conflict with this Act are hereby repealed and this Act shall take effect and be in force from and after its passage.

Approved, March 17th, 1885.

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## ACT LVII.

AN ACT for the better protection of Mechanics, Artisans, Materialsmen and other Sub-contractors.

## SECTION.

1. Gives the owner of any land, houses, boats or vessel the right to withhold one-third of the amount due any contractor, to be held in trust for any mechanic or laborer or other person said contractor may be indebted to.
2. How mechanics and others having claims against contractor shall proceed to secure their claims.
3. Certified claims shall only be deducted from contract price due, and not from that which is reserved.
4. Makes owner, agent or trustee responsible for all claims if not reserved in accordance with provisions of this Act.
5. Conflicting laws repealed; but shall not be construed as repealing sections 4402 to 4424 inclusive, of Mansfield's Digest. Act to be in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That hereafter in all cases where the owner, or proprietor, or his agent, or trustee of any lands or any building, erection or other improvement thereon, or of any boat or vessel of any kind, shall let out to any person a job or contract for any work or labor to be done thereon, or any materials, machinery, or fixtures to be furnished therefor, in the way of buildings, erections, or other improvements, additions, alterations, renovations or repairs, or for the construction thereof, it shall be the duty of such owner, proprietor, agent or trustee to hold back until after the expiration of ten (10) days after the work under such job or contract, as originally made, or amended, shall have been fully completed, one-third ( $\frac{1}{3}$ ) of the cost thereof, or amount agreed to be paid to the principal contractor, and reserve said amount for the benefit of all mechanics, builders, artisans, laborers and other persons who may at the instance or request of such principal contractor, or in furtherance of such work, have done any work or labor, or furnished any materials, machinery of [or] fixtures in the course of the work for which such job or contract may have been let, and out of such reserve fund, to promptly pay the bills and accounts of all such persons which may be presented to him within said ten (10) days, certified to be correct by such principal contractor or his authorized agent or representative, and to pay such bills and accounts in the order of their presentation, so long as such reserve fund may be sufficient for that purpose, but when several are presented at the same time, and it is obvious that the amount of

such reserve fund then on hand will not be sufficient to pay them all in full, then they shall be paid pro rata, and all such bills or accounts, or parts thereof, remaining unpaid on account of the deficiency of such reserve fund, or failure to properly certify the same, shall be and constitute a valid and present claim and demand against such principal contractor.

SEC. 2. It shall be the duty of every person intending to avail himself of the benefit of this Act, to present his bill or account properly certified to the owner, or proprietor, his agent or trustee, within the ten (10) days as above provided; but in case such principal contractor, his agent or representative shall fail or refuse to certify any such bill or account, the person entitled thereto may nevertheless present the same within said ten (10) days, with an affidavit to its correctness and the fact of such refusal, and thereupon it shall be the duty of such owner, or proprietor, his agent or trustee, to endorse thereon the time of its presentation, and to hold back the full amount or pro rata part thereof, according as the condition of the reserve fund and the accounts then on hand may require, until such time as it may be determined by proper proceedings if such account or how much thereof is correct, and the presentation of such account as aforesaid shall operate as a garnishment of so much of said reserve fund as it may ultimately be determined should be paid thereon, and it shall be the duty of the person presenting such account to institute suit thereon against such principal contractor within ten (10) days from the time of its being so presented, and to prosecute the same with due diligence to a final decision. Every such principal contractor, or duly authorized agent, or representative of his, who shall willfully refuse to certify to the correctness of any such bill or account, when presented to him for that purpose, shall be liable in double the amount thereof to the person thereby aggrieved, and shall moreover be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine in any amount not less than five (\$5.00), nor more than fifty (\$50.00) dollars; and every such refusal shall be deemed willful when made with a know-

ledge that such bill or account is correct, or after the person so refusing has had reasonable means and opportunity of ascertaining such to be the fact, and in all cases where any such principal contractor, agent or representative, shall object to certifying any such bill or account, he shall point out to the person presenting the same the item or particular wherein he considers the same incorrect.

SEC. 3. No bill or account presented to such owner, or proprietor, agent or trustee, and paid during the progress of the work, although duly certified, shall in any case be deducted from the reserve fund which is required to be held back until after the final completion of such work, but all such shall be deducted from that portion of the contract price not required to be so reserved.

SEC. 4. That in all cases where any such owner or proprietor, his agent or trustee, shall fail or refuse to hold back the proper reserve fund, or to promptly pay the amount or proper pro rata of all such bills and accounts as may be presented to him in due time, and properly certified, or shall fail or refuse to properly endorse or hold out for all such as may be presented to him without such certificate, but with the proper affidavit, as required in this Act, every mechanic, builder, artisan, laborer or other person entitled under the provisions of this Act to the benefit of a performance of such duties on the part of such owner, or proprietor, or his agent or trustee, shall upon complying with the provisions of this Act, have for his work or labor done, or materials, machinery or fixtures furnished, a lien upon the building, erections or other improvement, and the land belonging to such owner or proprietor on which the same is situated, or the boat or vessel, upon or for the construction of which such work or labor may have been done, or materials, machinery or fixtures furnished, and such lien, when affecting lands or buildings, erection or other improvements thereon, shall have the same effect, force and extent, and be filed, sued for and enforced within the same periods of time, and in the same manner now provided by law for mechanics' liens, in cases of persons doing

work or furnishing things under contracts therefor directly with the owner, proprietor, or his agent or trustee, except that the person claiming such lien under this Act shall file with his account and claim therefor his affidavit setting forth the particular matters and things entitling him to claim such lien under the provisions of this Act, and shall also set forth such particular matters and things in the petition or complaint he may file to enforce such lien. Where such lien shall affect any boat or vessel, the same shall be enforced in any court having jurisdiction of the amount claimed by a special proceeding in attachment, which shall issue upon affidavit of the claimant setting forth, as grounds for such attachment, the particular matters and things entitling him to claim such lien, and a description, as near as may be, of the particular boat or vessel, charged therewith, and such attachment shall command the seizure thereof, and the subsequent proceedings thereunder, and in such cause shall be governed by the general law in relation to attachments, so far as the same may be applicable, and upon such lien being established, and judgment obtained for the amount thereof, such attachment shall be sustained, and the property taken thereunder ordered sold for the satisfaction of such judgment, as in other cases of attachment, and such lien as against all persons not having actual notice of the facts which create its existence under the provisions of this Act, shall date from the levy of such attachment.

SEC. 5. That all Acts and parts of Acts in conflict with the provisions of this Act be, and the same are, hereby repealed, but nothing in this Act is intended to repeal anything contained in Section four thousand, four hundred and two, (4402) to four thousand, four hundred and twenty-four (4424), inclusive of Mansfield's Digest, and this Act shall take effect and be in force from and after its passage.

Approved March 17th, 1885.

## ACT LVIII.

AN ACT to provide for a more efficient examination of the settlement of officers.

## SECTION.

1. The Circuit Court of each county shall appoint three citizens as "Commissioners of Accounts."  
Duties of Commissioners.
2. Duties of Clerks.
- 3 and 4. Duties of Commissioners.
5. Commissioners may summons and examine witnesses. Other duties.
6. Commissioners shall make report to the Circuit Court. Duties of Court.
7. On failure of Commissioners to file report Court shall compel to appear and answer.
8. Clerks, Sheriffs, and all other officers shall give Commissioners access to their books and papers  
Failure or refusing to do so made a misdemeanor.
9. Compensation of Commissioners while in discharge of their duties.
10. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. Hereafter the Circuit Court of each county in this State, in each year, by order entered of [on] record, shall appoint three competent persons, citizens of such county, one of whom shall be a Justice of the Peace of said county, who shall be called "Commissioners of Accounts," and who shall hold their offices until their successors are appointed and qualified. At least one of said persons shall be an expert accountant. The first appointment shall be made at the first term of the court next after the passage of this Act. And all subsequent appointments shall be made at the first term of the Circuit Court holden in each county in each year. Said Commissioners, as far as practicable, shall be selected from different political parties, and any testimony taken by said Commissioners shall be written and reported at the instance of any one of said Commissioners. In case a vacancy should occur by the death, resignation; refusal to act, or absence from the State of any of said Commissioners, after his appointment, it shall be the duty of the Clerk of the Circuit Court to certify that such vacancy exists, and transmit the same to the Judge of the Circuit Court of his county, and upon the receipt of such certificate, is is hereby made the duty of the Judge of the Circuit Court of said county to appoint a competent person to fill such vacancy.

SEC. 2. The Clerk of such court shall immediately, upon the adjournment of the court, make out and deliver to the sheriff

of the county, four certified copies of such order, one of which shall forthwith be delivered by the Sheriff to each Commissioner so appointed, and the other return to the court with his action indorsed thereon.

SEC. 3. It shall be the duty of said Commissioners to meet at the office of the Clerk of the county court on the Monday preceding by three weeks the next session of the Circuit Court, and, first taking the oath required by the Constitution, they shall then require of said Clerk: *Provided*, That if said "Commissioners of Accounts" should, from any cause, fail to meet on the day above mentioned, they shall meet on any day within a week thereafter.

1st. A list of the persons, their names and offices, who by law should, within the preceding year, have made report of any fines, forfeitures, or other moneys due the State, the county, the school or any other fund, and the report of all fees required to be made by such officers.

2nd. The reports made to such Clerk, or to any other person or court by such persons, said Commissioners shall examine said reports, and shall compare them with the list; shall ascertain whether any person who should have reported, has failed to make report within the time prescribed by law; whether reports made are correct, and, if incorrect, in what particular, and whether all moneys have been paid over to the proper recipient thereof. They shall examine the books kept by the Clerks of the various courts, the books of the Recorder, Sheriff, Collector and Treasurer; the settlements made by all officers and all vouchers filed therewith, and shall ascertain whether settlements have been made by all officers at the times required by law, and whether just, honest and proper settlement has been made, and whether all moneys due from such officers have been paid over to the proper persons by law appointed to receive the same.

SEC. 4. If such Commissioners shall find that any person or officer has failed to make report as required by law, or has not made honest and just report and settlement, or has not paid over all moneys which by law he should have paid to the persons

appointed to receive the same, they shall forthwith summons said person to appear before them at such time and place as may be by them designated. Such person appearing may show to the Commissioners that he had made proper report, settlement or payment, within the time required by law.

SEC. 5. For the purpose of making the inquiries aforesaid, the said Commissioners may summon before them and examine on oath any person they may designate. For this purpose either Commissioner is authorized and empowered to administer oaths, and any one testifying falsely before said Commissioners shall be guilty of perjury, and, on conviction, be punished therefor as now provided. The Commissioners shall make concise notes of all the testimony taken, and shall return the same with the names of the witnesses to the Circuit Court with their report. The Justice of the Peace, one of said Commissioners, shall have power to require any person to enter into personal recognizance to appear as a witness before the next grand jury, and that upon request of the Commissioners in writing to the Auditor of State, he shall transmit to said committee a statement of all funds or moneys paid by him or his predecessors in office, to any county official where such commission is appointed.

SEC. 6. The Commissioners shall report their findings to the Circuit Court. In said report the Commissioners shall state what officers have failed to report, what officers have failed to render account and make settlement, what officers have failed or neglected to pay over moneys collected, or which should have been collected, and what officers, if any, have rendered false accounts or made unjust charges. They shall give names of all such officers, and particulars of each charge made against each, and the names and residences of all witnesses. Such report shall be filed on the first day of the term, and shall be at once by the court referred to, and laid before the grand jury.

SEC. 7. If the Commissioners shall fail to file their report on the first (1st) day of the term after their appointment, it shall be the duty of the Circuit Court to issue proper process and



summon and compel the appearance of the Commissioners and the making and filing of such report.

SEC. 8. All Clerks, Sheriffs and other officers shall, on demand, exhibit to said Commissioners any record, paper, book, or writing in their custody or control, and any failure to do so shall be considered a misdemeanor in office, and the offender punished accordingly. The Sheriff, Coroner or any Constable shall promptly and without delay execute all process directed to them by said Justice of the Peace.

SEC. 9. The Commissioners shall receive three (\$3.00) dollars per day for each day they are engaged in making examinations and reports, to be paid by the county.

SEC. 10. That nothing contained in this Act, or any proceedings had thereunder, shall have the effect to discharge or relieve any officer or officers, or other tribunal, from performing such duties as is now, or may hereafter be prescribed by law, and this Act shall take effect from and after its passage.

Approved March 18th, 1885.

## ACT LIX.

AN ACT to further protect the fishes of the State of Arkansas.

### SECTION.

1. Unlawful to place any net, or trap, or other device, in any of the waters of this State—except when the waters shall be wholly on the estate of the person using the trap, or other device, &c. A misdemeanor to violate this Act and penalty fixed.
2. Defines the meaning of the words, "Waters of this State."
3. Conflicting laws repealed, and this Act takes effect and force 120 days after its passage.

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*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That no person shall be allowed to place, erect or cause to be placed, erected or maintained, in any of the waters of this State, or in front of the mouth of any stream, slough or bayou, any seine, net, gill-net, trammel-net, set-net, bag-weir, bush-drag, any fish-trap, or dam, or any other device or obstruction, or by any such means to take or catch any fish in any of the waters of this State. *Provided*, That the prohibitions of this section shall not apply to waters wholly on the premises belonging to such person or persons using such device or devices; and, *Provided further*, That it may be lawful to use a very small seine, not to exceed in length fifteen (15) feet, for catching very small fish, usually called minnows, which may be thus caught to be used for bait, or for stocking other waters with fish, but for no other purpose. *Provided further*, That it shall not be unlawful for any person or persons to use a seine, not exceeding sixty (60) feet in length, in any unnavigable stream or lake in this State to catch fish for family use, or for picnics, and not for sale; nor shall it be unlawful for any person or persons to place traps in the unnavigable streams of this State, provided such traps do not obstruct the free passage of fish in ascending and descending such streams. Nor shall it be unlawful to use a seine, net or gill-net in any of the navigable streams in this State, provided the meshes of such seine, net or gill-net be not less than three (3) inches in size, and that such seine, net or gill-net does not obstruct the outlet or inlet of any lake or stream emptying into any other lake or stream. Any person who shall violate any of the provisions of this act, shall, on conviction, be deemed guilty of a misdemeanor and shall be fined in any sum not less than five (\$5.00) nor more than two hundred (\$200.00) dollars.

SEC. 2. The term "Waters of this State," whenever used in this Act shall be deemed and held to mean all streams, lakes, ponds, sloughs, bayous or other waters, wholly or in part, within this State.

SEC. 3. That all laws and parts of laws in conflict with

this Act be, and the same are, hereby repealed, and this Act take effect and be in force within one hundred and twenty (120) days after its passage.

Approved March 17th, 1885.

## ACT LX.

AN ACT Supplementary to and Amendatory of An Act of the General Assembly, Approved, April the 12th, 1873, and entitled, "A Bill to be Entitled, An Act to Create the County of Faulkner and for other purposes."

### PREAMBLE.

### SECTION.

1. Conway county made liable for the debts of Perry county in proportion to the territory of Perry county attached to Conway county.
2. Perry county may, within two years after passage of this Act, file a claim against Conway county.
3. Appeals may be taken by either county.
4. All laws in conflict repealed and this Act in force from passage.

*Whereas*, By the provisions of an Act of the General Assembly of the State of Arkansas, approved, April the twelfth (12th), eighteen hundred and seventy-three (1873), and entitled: "A Bill to be Entitled, An Act to Create the County of Faulkner and for Other Purposes," a great portion of the territory and wealth of Perry county was attached to and made a part of Conway county, without, in any way providing for the assumption of, or payment of, any portion of the debt of said Perry county, by said county of Conway; therefore,

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1: That the county of Conway be, and it is hereby, made liable to Perry county for the amount of the indebtedness of said Perry county existing at the time of the passage of said Act of eighteen hundred and seventy-three (1873), which

would be a fair apportionment to the citizens of the territory detached from Perry county and attached to Conway county by said Act.

SEC. 2. That within two (2) years from the passage of this Act said Perry county may, by her authorized agent or attorney, file her claim against said Conway county, in the County Court of said Conway county; and it is hereby made the duty of said County Court to allow so much of said claim against said Conway county as shall be found, upon an examination of all legal testimony produced, to be the part of said indebtedness of Perry county justly due from the citizens of the territory so detached from Perry county and attached to Conway county. And the amount so found due and allowed to cause to be issued to said Perry county, or bearer, in warrants on the treasurer of said Conway county.

SEC. 3. That appeals may be taken, as in other cases, by either party.

SEC. 4. That all Acts and parts of Acts in conflict with this Act, are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved March 17th, 1885.

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## ACT LXI.

AN ACT to authorize the convening of Special Courts in certain cases.

SECTION.

1. Gives authority to County Courts to levy tax for repairing or re-building court houses that have been damaged or destroyed by fire or otherwise.
2. County Courts may meet for such purpose at any time by giving due notice.

3. County Courts shall have same powers as they have at regular terms.
4. Conflicting laws are repealed and this act in force from passage

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That in every case where any public buildings, belonging to any county in this State have been or may hereafter be destroyed by fire, or otherwise, and the loss of such building calls for speedy and prompt action for repair or rebuilding thereof, the County Judge of such county may hold a special term of the County Court for the purpose of taking such action and making such provisions as shall be proper for repairing or rebuilding such destroyed property. Notice of the meeting of such court shall be published ten (10) days by advertisement in some newspaper printed in the county. If there be no such paper, the publication shall be by written notices posted at some public place at the county site of such county, and at nine other public places in the county, ten days before the convening of such court.

SEC. 2. In all cases provided for in section one (1) of this Act, the court for levying the county taxes and making appropriations for county purposes, may convene in special session at such time as the County Judge may name in a call for the meeting of such court, which call shall be published for the length of time and in the manner provided for the special terms of the County Court as named in section one (1) of this Act.

SEC. 3. When so convened in special session, such County Court, and court for levying county taxes and making appropriations for county purposes, shall have all the powers, right and authority of the same courts when held at the times fixed by law. And such county court may let contracts and such levying courts may make appropriations and levy taxes, and either or both of said courts may take any and all steps proper in the premises to the same extent and with like effect as if done in regular term. Said courts may adjourn from day to day, and from time to time, until the business for which they were convened is completed. And a minority of the levying court, when so convened shall have the right to adjourn from day to

day until a quorum is secured as provided for in the law governing said court.

SEC. 4. All laws and parts of laws in conflict with this Act are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved March 19th, 1885.

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## ACT LXII.

AN ACT to abolish all fences in that part of Arkansas lying east of the St. Francis and West of the Mississippi rivers, in the county of Lee.

SECTION.

1. Unlawful for stock to run at large in Lee county within limits specified in section one.
2. Permits stock to run at large only on the premises of the owner.
3. Penalties for violation of this act.
4. How to recover damages in cases of trespass
5. Drovers shall not permit any damage by their stock.
6. Owners of land shall furnish pasturage for their tenants.
7. This act shall not repeal or modify "An Act to prevent stock from running at large in Walnut Bend, counties of Phillips and Lee, State of Arkansas," approved Dec. 15th, 1875, and this Act in force and effect from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That from and after the passage of this act it shall not be lawful for any stock to run at large in that part of the State lying between the St. Francis and Mississippi rivers, in Lee county, within the following bounds, to-wit: Beginning at the mouth of St. Francis river and running up stream with the channel of said river to the county line separating Lee and St. Francis counties, thence running with said county line to the southeast corner of St. Francis county, thence with said Lee county line to the bank of Old river, thence with said Old river to the main channel of the Mississippi river, and down that river to the mouth of St. Francis, the place of beginning; nor shall the owners or tenants, of improved or

cultivated land be required to fence their lands against horses, mules, asses, jennets, hogs, sheep, goats, or cattle of any kind or description within said territory.

SEC. 2. It shall not be lawful for the owner or manager of any horse, mule, ass, jennet, swine, sheep, goat, or neat cattle of any description, to permit the said animals, or any of them, to run at large beyond the limits of their own land in said territory.

SEC. 3. If any of the animals enumerated in the above second (2nd) section of this Act, shall, hereafter, be found at large or upon the lands of any other person than the owner, in said territory, the manager or owner of said territory shall be liable for all damages done by said animals to the owners of the crop or the land upon which they trespass.

SEC. 4. In case of trespass, as aforesaid, the aggrieved party may make complaint to a Justice of the Peace in the county in which the trespass is made, who shall issue his warrant immediately, returnable within five (5) days from the date thereof, and at the time and place named in the warrant the case will be tried and the amount of the damage sustained by the complainant be ascertained and judgment given for the same, with legal costs, as in cases of other warrants.

SEC. 5. It shall be the duty of any person or persons driving stock, such as cattle, horses, mules, sheep, or hogs, through the public roads of any county in said territory to so herd and drive the same that they shall not be allowed to enter upon or work injury to the lands or crops of the citizens of the territory aforesaid.

SEC. 6. It shall be the duty of each and every employer in any county in said territory to furnish each and every employee hired by him, or tenant under him, with pasturage for as many head of stock owned by such employee, or tenant, as may be agreed upon, and such enclosure for said pasturage shall be kept enclosed by sufficient fence to retain all the stock of said employee, or tenant, by such landlord or lessor.

SEC. 7. This act shall in no manner repeal or modify "An Act to prevent stock from running at large in Walnut Bend, counties of

Phillips and Lee, State of Arkansas, approved December fifteenth (15th) eighteen hundred and seventy-five (1875)." And this Act shall go into force and take effect from and after its passage.

Approved, March 20th, 1885.

### ACT LXIII.

AN ACT to amend section 4510 of Mansfield's Digest.

SECTION.

1. Amends section 4510 of Mansfield's Digest.
2. Act in full force and effect from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That section four thousand, five hundred and ten (4510) of Mansfield's Digest be amended so as to read of follows, to-wit: Any person who shall obtain annual license, as hereinbefore provided, shall pay to the Collector of the county wherein such license is procured, the sum of five hundred dollars (\$500.00) as a county tax, and the sum of two hundred dollars (\$200.00) as a State tax for the general revenue fund, and two (2) per cent. upon the amount paid, as Collector's fees, and two dollars (\$2.00) for each license for clerk's fees, and shall pay the same amount of tax and fees for a license for any period less than one (1) year, but no license shall continue in force longer than the thirty-first (31st) day of December succeeding the issuance of the same.

SEC. 2. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed, and that this Act take effect and be in force from and after its passage.

Approved March 20th, 1885.



ACT LXIV.

AN ACT to amend section 1656 of Mansfield's Digest of the Revised Statutes of the State of Arkansas.

SECTION.

1. Amends section 1556 of Mansfield's Digest.
2. Conflicting laws repealed and this act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That section one thousand, six hundred and fifty-six (1656) of Mansfield's Digest of the Revised Statutes of Arkansas be amended so as to read as follows: Any person who shall wilfully and intentionally destroy, injure or obstruct any telegraph or telephone line, or any of the property or materials thereof shall, on conviction thereof, be fined in any sum not less than two hundred dollars (\$200.00), and may be imprisoned for any length of time not exceeding one year (1) and pay to the owners of said line double the amount of all the damages sustained thereby.

SEC. 2. That all laws in conflict with this Act are hereby repealed, and that this Act be in force from and after its passage.

Approved March 20th, 1885.

ACT LXV.

AN ACT to preserve the game of Yell County.

SECTION.

1. Makes it unlawful to chase, kill or entrap deer, turkeys, and partridges within the county of Yell within the dates fixed by this section.
2. Possession *prima facie* evidence against person having any of said game.
6. Penalty for violation of this Act.
4. Act in force sixty days after its passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That it shall be unlawful to kill, trap or net par-

tridges or quail in Yell county, Arkansas, from the fifteenth (15th) day of March till the fifteenth (15th) day of September. And it shall be unlawful to kill wild turkey in said county from the fifteenth (15th) day of April till the fifteenth (15th) day of August. And it shall be unlawful to chase, hunt or kill wild deer in said county from the first (1st) day of February till the first (1st) day of August.

SEC. 2. Possession of either of the above birds or animals shall be *prima facie* evidence of guilt of the party found in possession thereof.

SEC. 3. Whoever shall be found guilty of violating the provisions of this Act shall be fined in any sum not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00).

SEC. 4. This Act shall take effect sixty (60) days from its passage.

Approved March 17th, 1885.

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## ACT LXVI.

AN ACT to authorize the holding of a Special Election in Garland county to submit the question of "For License" or "Against License" to sell liquors in said county.

### PREAMBLE.

### SECTION.

1. Provides for a special election in Garland county.
2. In case of majority "for license" the County Court shall grant licences under existing laws.
3. Election shall be held in manner now provided for by law in cases of special election.
4. Inconsistent laws repealed and this Act in force from passage.

*Whereas*, At the regular September election, A. D. eighteen hundred and eighty-four (1884), held in Garland county, Arkansas, only

three votes were cast in said county on the question of "For License" or "Against License" to sell intoxicating liquors under the Act of the General Assembly of the State of Arkansas, approved March eighth (8th) eighteen hundred and seventy-nine (1879), and the Act amendatory thereof, approved March nineteenth (19th) eighteen hundred and eighty-one, (1881), to provide for the vote upon that question; and

*Whereas*, The said vote was not a fair expression of the will of the qualified electors of said county upon said question, but was the result of an oversight and inattention to the law providing for the vote upon said question; therefore,

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That a special election shall be held in the county of Garland, on Tuesday, the seventh (7th) day of April, eighteen hundred and eighty-five (1885), at which election the question of "For License," or "Against License" to sell intoxicating liquors in said county shall be submitted to the qualified voters thereof, in the various voting places of said county, at which time the vote shall be taken, in like manner and with like effect, as provided in the Act of the General Assembly of the State of Arkansas, approved March eighth (8th), eighteen hundred and seventy-nine (1879), and the Act amendatory thereof, approved March nineteenth (19th), eighteen hundred and eighty-one (1881), providing for the vote on said question of "For License" or "Against License" to sell intoxicating liquors.

SEC. 2. That, if at such election, the majority of votes cast in said county be "For License," then it shall be lawful for the County Court of said county to grant license in the manner provided in the Act of the General Assembly of the State of Arkansas, approved March eighth (8th), eighteen hundred and seventy-nine, (1879), and the Act amendatory thereof, approved March nineteenth (19th), eighteen hundred and eighty-one (1881), upon the subject of license to sell intoxicating liquors.

SEC. 3. That the notice of holding the said election shall be given in the manner provided by law for notice of special elections, and

the said election shall be held in the same manner and the returns made as in general elections.

SEC. 4. That all Acts and parts of Acts inconsistent with this Act be, and the same are, hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved March 20th, 1885.

## ACT LXVII.

AN ACT for the better government of cities of the first-class, and to confer enlarged and additional powers on such cities, and to provide in what manner changes may be made in the number of aldermen and wards of such cities.

### SECTION.

- 1 Board of Public Affairs in cities of the first-class.—How constituted and elected—when, how, and for what time elected—Who is eligible. Compensation. How removed from office. Duties of the Board.
2. Defines duties and powers of the Mayors of cities of the first class.
 

*First.* Mayor shall appoint the chief and subordinate officers of the Police and Fire Departments, who receive pay for services.

*Second.* Mayors shall have power to veto any ordinance, resolution or order of the council.

*Third.* Mayors shall have power to remove, for cause, any officer, servant, or employe of the city.

*Fourth.* Mayors shall devote their entire time and attention to the affairs of the city. Salary of Mayors not to exceed \$2,500.00 per annum.
3. Additional powers conferred on cities of the first class.
 

*First.* To regulate the use of side walks, making all excavations, pavements and side walks. Council shall enforce all orders, resolutions and ordinances relating to sidewalks and pavements. Penalty for refusing to obey. Tenants may perform what is required of the landlord and deduct cost from rents.

*Second.* To change width and extent of streets, sidewalks, alleys, parks and wharves. Dispose of all lands acquired by or donated to cities.

*Third.* To punish, prevent, or remove all obstructions to public streets or grounds. No statute of limitation shall bar proceedings to abate orders of Police Court.

*Fourth.* To prevent and punish the importation of any pauper or diseased person to the city, unless brought in the manner prescribed by law. To prevent or regulate the carrying on of any vocation or trade dangerous to morals, health, or safety. To arrest and punish all thieves, fakirs and other persons of bad reputation found within limits of city. Penalties imposed on bad characters. To prevent and abate all nuisances.

*Fifth.* City council, by two-thirds vote, shall levy tax on any trade or occupation not to exceed \$50 per annum, and on corporations or companies a tax not to exceed \$100 per annum. Persons working for wages exempt from this tax. Money raised to be used exclusively for improvements of streets and public grounds.

4. Trials for violations of ordinances shall be before Police Judge. Defendants may appeal to Circuit Court. Police Judge shall have concurrent jurisdiction with Justices of the Peace.
5. Cities of first class shall have right to recover in civil actions for all violations of its ordinances. Police Courts shall have power to issue executions or writs of garnishment to recover for fines.
5. Cities of first class may change number of aldermen or number or extent of wards in manner prescribed in this section.
7. All laws or parts of laws in conflict are repealed and this Act take effect from and after its passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That hereafter, in cities of the first class there shall be a Board of Public Affairs, composed of the mayor, as chairman, and two citizens of the city, elected by the city council, and, at the first election under this Act, one shall be elected for the term of two (2) years, and the other for the term of one (1) year, and every year thereafter, as each member's term expires, his successor shall be elected for the term of two (2) years. The time for the election of members on said Board shall be on the second Monday after the election of aldermen in each year, but no person shall be eligible to membership on the said Board who is related to the Mayor or any alderman of the city within the sixth degree of consanguinity or affinity under the civil law, and the council shall provide by ordinance for the kind of security to be given, and the amount of compensation to be received by each member so elected, which shall not be increased or diminished during his term of office, and any member elected on said Board may, by a concurrent vote of two-thirds ( $\frac{2}{3}$ ) of all the aldermen elected to the city council, be removed from office for corrupt conduct, inefficiency, or neglect of duty, and provisions may be made by ordinance as to the mode in which charges shall be preferred, and a hearing had in all such cases. Said Board of Public Affairs may appoint one of their own members secretary, unless authorized by the council to employ a clerk, and shall determine the time and place of their meetings and keep a record of their proceedings, and at any regular meeting, or called meeting, of which each member has had at least twenty-four (24) hours' notice,

a majority of said Board shall have full power to act in all matters within the powers and duties of said Board. Said Board shall have the exclusive power to make purchases of all supplies, apparatus, materials and other things requisite for public purposes in such city, and to make all necessary contracts for work or labor to be done, or material or other necessary things to be furnished for the benefit of such city, or in carrying out any work or undertaking of a public nature therein, but where the amount of expenditure involved therein may exceed three hundred (\$300.00) dollars, said Board shall first transmit to the city council an estimate thereof, and an ordinance authorizing such expenditure, with their recommendation in relation thereto, and, upon the passage of such ordinance, it shall be the duty of said Board to advertise and let the work or contract to the lowest responsible bidder, and in cases where the amount of expenditure involved may exceed fifty dollars (\$50.00), said Board shall first give notice to the council of their intention to contract in relation thereto, and thereupon, if ordered by the council to advertise for bids in relation thereto, they shall do so and let the work or contract to the lowest responsible bidder, otherwise, and in all other cases, said Board shall exercise their own best judgment and discretion in the matter of making such contracts, but they shall have no power in any case, except upon advertisement and to the lowest bidder, to make any contract with any person associated in business with or related within the sixth (6th) degree of consanguinity or affinity under the civil law, to any member of said Board or member of the city council, and every contract in which any such forbidden person shall have an interest, direct or indirect, shall be utterly null and void. Whenever, in the opinion of the Board, it shall become necessary to make any alterations or modifications in the specifications or plans of any work or contract, the same shall only be made upon the written order of said Board, and such order shall be of no effect until the price shall have been agreed upon in writing and signed by the contractor and approved by said Board, and no contractor shall be allowed any thing for extra work caused by any such alteration or modification unless upon such order and agreement as above provided, nor shall he in any case be allowed more for such alteration than the price fixed in such agreement. All contracts by

the board shall be made in the name of the city, and, where the amount to be paid thereunder exceeds fifty dollars (\$50.00), it shall be in writing and signed by the mayor, by order of the Board, and sealed with the corporate seal; and all payments or [on] contracts made by the Board, for the benefit of the city, shall be upon order of the city council, but no such order shall be made until the person claiming under such contract shall have first filed with the city clerk his statement under oath disclosing the names of all persons directly or indirectly interested in the contract or the proceeds or profits thereof, declaring that no other person, than those named, is interested, and that no person forbidden by this Act has any interest in the same.

SEC. 2. That hereafter the mayor of any city of the first class, shall in addition to the powers and duties already pertaining to that office, be clothed with, and exercise and perform, the following, to-wit:

First. He shall have the exclusive right and power to select and appoint the chief and all the subordinate members of the Police Department, and all the subordinate officers, members, and attaches of the fire department who draw pay from the city.

Second. He shall have the power to veto within three (3) days after the action of the city council thereon, any ordinance, resolution or order adopted or made by the city council, or any part thereof which in his judgment is contrary to the public interests, in which case he shall, before the next regular meeting of the city council, file in the office of the city clerk, to be laid before such meeting, a written statement of his reasons for so doing, and no such ordinance, resolution, or order, or part thereof vetoed by the mayor, shall have any force or validity, unless, after such written statement is laid before it, the city council shall, by a vote of two-thirds ( $\frac{2}{3}$ ) of all the aldermen elected thereto, pass the same over such veto.

Third. He shall have the right to remove for inefficiency, misconduct or neglect of duty, any officer, servant or employee appointed by him or the city council, but, in case of those appointed by the city council, an appeal from his action may be taken to the

city council, where, if the same be not reversed by a majority vote of all the members elected thereto, it shall stand as final.

Fourth. It shall be his duty to devote his time and attention to looking after all matters pertaining to the interests of the city, and to see to it that all persons in the service of the city discharge and perform their respective duties promptly, faithfully and efficiently, and to remove, as hereinbefore provided, all such as do not; and the Mayor for his services, shall be entitled to receive a compensation or salary not to exceed twenty-five hundred dollars (\$2,500.00) per annum to be fixed by the city council, and when once fixed the same [shall] not be increased or diminished during the term for which he may have been elected.

SEC. 3. That in order to better provide for the public welfare, safety, comfort and convenience of their inhabitants, the following enlarged and additional powers are hereby conferred upon cities of the first class, viz:

First. To regulate the use of sidewalks, and all structures and excavations thereunder, and to require the owner or occupant of any premises to keep the sidewalks in front or alongside the same, free from obstruction, and to build and maintain suitable pavement or sidewalk improvements therealong, whenever the same may become necessary to the safety or convenience of travel, and to designate the kind of sidewalk improvement to be made and the kind of material to be used by such owner or occupant, and the time within which such improvement is required to be completed. Provided, the kind and character of sidewalk improvement for the same street and block shall be uniform. Such sidewalk improvement shall be ordered either by a general ordinance for all property owners or occupants on a certain street or streets, or within a certain quarter where the necessity therefor is general to that extent, or by a resolution or order adopted by the city council, and notice served upon the particular individuals owning or occupying premises where the special necessity exists, and in either case the city shall have power to enforce obedience to such sidewalk ordinance, order, resolution or notice, by the imposition of fines upon such owner or occupant failing or refusing to obey the same, upon conviction thereof in the



Police Court, in like manner and with like consequences and effect as for a violation of any other ordinance of such city, and each day that such failure or refusal is continued shall constitute a separate offense; and in case such sidewalk improvement shall, after the owner or his notice, upon notice, has failed to fix the same, be constructed by an occupant who holds the premises as a tenant or lessee, he shall have the right to deduct the cost thereof from the rent that may be due or to become due from him, or to hold the possession of the premises for such time as the rental value thereof will be sufficient to reimburse him for such cost; but nothing herein contained shall be so construed as to prevent such city from proceeding by civil action or in any other manner provided by existing laws.

Second. To alter or change the width or extent of streets, sidewalks, alleys, avenues, parks, wharves and other public grounds, and to vacate or lease out such portions thereof as may not for the time being be required for corporate purposes, and where lands have been or may be acquired or donated to such city, for any object or purpose which has become impossible or impracticable, the same may be used or devoted for other proper public or corporate purposes, or sold by order of the city council and the proceeds applied therefor.

Third. To punish, prevent or remove encroachments, or obstructions upon any of the streets, sidewalks, wharves or other public grounds of such city, by buildings, fences, or structures of any kind, posts, trees, or any other matter or thing whatsoever, and no statute of limitation or lapse of time that any such obstruction or encroachment may have existed, or been continued, shall be permitted as a bar or defense against any proceeding or action to remove or abate the same, or to punish for its continuance, after an order has been made by the city council or the Police Court for its removal or abatement.

Fourth. To prevent and punish the bringing or importation into such city of any pauper, mendicant, diseased or other person liable to become a burden on such city or any charity therein; or a charge upon the country [county] in which the same is situated, unless the

same has been authorized by some competent officer in this State, in a manner provided for by law, and to punish the conductor of any railroad, captain of any boat or vessel, proprietor or driver of any stage or other conveyance, bringing any such person into such city, unless he can show that he had no reasonable grounds to know or become apprised of the condition or circumstances of such person; and to prevent or regulate the carrying on of any trade, business or vocation of a tendency dangerous to morals, health or safety, or calculated to promote dishonesty or crime, and to provide by ordinance for the punishment of dishonest practices of any kind, and for the prompt arrest and punishment of all dishonest characters or persons of known bad reputation, such as burglars, pickpockets, sneak-thieves, forgers, fakirs, confidence men, common cheats, tricksters and the like who shall come into or be found within the corporate limits of such city without being able to give a good account of themselves, and to provide that, upon the trial of all such, evidence as to general character, reputation, associates and places frequented shall be admissible, and in all such cases to authorize a fine of not exceeding one hundred dollars (\$100.00); and to prevent abate or remove nuisances of every kind, and to declare what are such, and also to punish the authors or continuers thereof by fine or imprisonment, or both; but no previous declaration shall be necessary as to any matter, act or thing that would have been a nuisance at common law, and all nuisance[s] may be proceeded against either by order of the city council or prosecution in the Police Court.

Fifth. The city council of any such city shall also have power to pass by a two-thirds ( $\frac{2}{3}$ ) vote of all the members elected thereto, an ordinance requiring that any person or persons, company or corporation, who shall engage in, exercise, follow, or carry on, any trade, business, profession or vocation within its corporate limits, shall take out a license therefor, and pay into the city treasury before receiving the same, such amount of money as may be specified by such ordinance for such license, not exceeding fifty dollars (\$50.00) per annum for any one person for the trade or business, vocation or profession he may be individually engaged in, nor exceeding one hundred dollars (\$100.00) per annum for any company or corpora-

to be graded in each class as near as may be practicable, according to income or amount of business done or property therein invested and shall have full power to punish a violation of any such ordinance; provided, that neither the above limitation as to amount of license, nor anything herein contained shall be construed as a limitation or restriction upon the power of any such city to tax, license, regulate or suppress, any trade, business, calling or vocation in any case where such power previously existed or may be conferred by any other law, and that nothing herein contained shall be so construed as to apply to common laborers, artisans, mechanics, and other persons working for wages by the day, week or month; and, provided further, that any such ordinance shall direct that the money realized thereunder shall be sacredly kept as a fund to be used only for the improvement of the streets, alleys, and public grounds of such city, or to improve its sanitary condition.

SEC. 4. That all trials in the Police Court, for a violation of the by-laws or ordinances of such city, shall be before the Police Judge without the intervention of a jury, but the defendant, upon appeal, shall have the right to a jury trial in the Circuit Court, and the Police Court of any such city shall have concurrent jurisdiction with Justices of the Peace over all misdemeanors committed in violation of the laws of the State within the corporate limits of such city, and, in cases of conviction therefor, the like fees and costs shall be taxed and allowed as in similar cases before Justices of the Peace; *provided, however*, that those items that would be allowed Justices of the Peace, or Constables shall not be paid to the Police Judge, or Police officers, but shall be paid into the city treasury, and every defendant convicted of such misdemeanor and committed to imprisonment, either as a part of his punishment or in default of the payment of fine or costs, shall be committed to the county jail in the same manner as if committed by a Justice of the Peace, and all fines imposed in the Police Court shall be paid into the city treasury.

SEC. 5. That in all cases of violation of any of its ordinances, any city of the first-class, in addition to any other mode provided by law, shall have the right to recover in a civil action the amount

of the lowest penalty or fines provided in such ordinance for each violation, or, where the offense is in its nature continuous in respect to time, for each day's violation thereof, and also the amount of any license which the person guilty of such violations was required by any such ordinance to take out; and the Police Court shall have jurisdiction in all such actions concurrent with Justices of the Peace, and in all cases where a fine may have been imposed by the Police Court, such court, in addition to the power of enforcing payment of the same by imprisonment, shall have full power to issue an execution or writ of garnishment to be executed by the Chief of Police, in like manner and with like effect as if issued by a Justice of the Peace in any civil case tried before him, and like proceedings may be had thereunder.

SEC. 6. That changes in the number of Aldermen and in the number and boundaries of wards in cities of the first class, may be made from time to time as occasion or the best interest of the citizens and tax-payers of such city may require, in the following way and manner, to-wit: Whenever one hundred (100) or more reputable citizens and tax-payers of any such city shall present to the judge of the Circuit Court of the county in which such city is situated, a petition for such change, setting forth the reasons why the same is considered necessary or for the best interests of the citizens and tax-payers thereof, and asking for the appointment of commissioners to act in relation thereto, said Circuit Judge shall, if he deems the matter set forth in such petition of sufficient moment to require further consideration, fix a time for the hearing of such petition at some convenient place in such city, not less than three (3) days from the time of its being presented, and shall direct the Circuit Clerk to file the same in his office, and give notice of the filing and of the time and place fixed for the hearing thereof, by notices posted at the front of the city hall, or building in which the sessions of the council are held, and at the front door of the Circuit Court room and Circuit Clerk's office, and by publication three (3) times in some daily paper of such city, if any such be published therein; and thereafter any number of citizens and tax-payers of such city ob-

jecting to such change, not less than one hundred (100), may, on or before the day fixed for such hearing, file a counter petition; and on the day fixed the Circuit Judge shall take up for consideration the matter presented in such petition, in connection with such counter petition, if one be filed, and take such testimony as he may deem necessary to satisfy his mind as to whether such commissioners should be appointed, and either side may be heard through attorneys appearing in their behalf, and if, upon such consideration, the Circuit Judge shall be of opinion that any further steps should be taken in the direction of such proposed change, he shall at once appoint three (3) wise and discreet citizens of said city as a board of commissioners, whose duty it shall be to further examine into the needs of such city in that respect, and, if the same in their judgment shall require, to divide the city into such number of wards, having as nearly equal population and assessed value of property as practicable, as, in their opinion, will best subserve the true interests of the citizens and tax-payers of such city, and to number and designate the boundaries of such wards, and make a plat or diagram of the same, and report their action in the matter, with such plat, to the Circuit Judge within ten (10) days from the date of their appointment, and thereupon, if he approves the same, he shall attach to such report and diagram his certificate of approval, and order the same to be filed and recorded in the office of the Circuit Clerk and ex-officio Recorder of such county, and thereafter the same shall stand and be, and remain, the division of such city into wards and the numbers and boundaries thereof for at least four (4) years, and until such time as the same may be afterwards changed in the manner above provided; and the action of the Circuit Judge in relation to said matters shall be final and not subject to any appeal or other proceeding to change, reverse, vacate, annul or set aside the same; and at the next city election held, more than twenty (20) days after the approval of such division, there shall be elected from each of such new wards two (2) Aldermen, who shall, on the next Monday after their election, organize the new city council and determine by lot the time of service of each Alderman so elected, so that one Alderman from each ward shall serve for the term of two years and

the other for one (1) year; and all Aldermen elected in such city previous to such division shall give place to such new Aldermen at the time for the organization of the new council, as above provided, and from that date the terms of office of all such previously elected Aldermen shall cease and determine; and at every succeeding election one Alderman shall be elected for the term of two (2) years from each of said wards. All clerk's cost and other costs incurred in the proceedings above authorized, shall be paid by the persons at whose instance the services were rendered, but, in case such proceedings result in the division of the city into new wards, the compensation of the commissioners making the division shall be fixed by the Circuit Judge and certified to the City Council and paid out of the City Treasury, but shall not exceed the sum of twenty-five dollars (\$25.00) each.

SEC. 7. That all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved March 21, 1885.

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## ACT LXVIII.

AN ACT to make the Treasurer of the Single School District of Fort Smith a bonded officer and to regulate the disposition of the funds.

SECTION.

1. Board of Directors of Single School District of Fort Smith shall elect a Treasurer.
2. Duties of the Treasurer. Treasurer may be removed from office by two-third vote of Board of Directors.
3. Duties of the Secretary of the Board of Directors.
4. Book and records of Treasurer and Secretary to be at all times subject to inspection by any tax-payer.
5. Treasurer's salary shall not exceed \$1,000 per annum.

6. Board of Directors may loan surplus funds of the District.
7. How surplus funds may be disposed of if there are no borrowers.
8. Penalty for fraudulent use of funds belonging to the District.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the Board of Directors of the Single School District of the city of Fort Smith, in this State, shall at its first (1st) regular meeting, in April, A. D., eighteen hundred and eighty-five (1885), or as soon thereafter as practicable, and every two (2) years thereafter, elect some suitable person as Treasurer of the district who shall not, however, be qualified until he shall have entered into a good and sufficient bond to the President and Board of Directors of the district in such sum (not less than fifty thousand dollars) (\$50,000.00) as may be deemed necessary by the Board, and conditioned upon the faithful performance of his duties as Treasurer.

SEC. 2. That it shall be the duty of the Treasurer to receive and receipt to the Secretary of said Board, for all monies belonging to the district or that may hereafter accrue to it; to pay them out under the direction of the Board of Directors, but only upon written orders signed by the President of the Board and attested by the Secretary; to keep a record of all monies received by him, on account of the district, and of the sources from which each item respectively accrued; also of all monies paid out by him under the direction of the Board of Directors and on what account each item respectively was paid; exhibiting the necessary vouchers for the same; to make a statement to the Board, on the first (1st) Mondays of April, July and October of each year of all the duties performed by him as Treasurer during the next preceding quarter; of the monies received and paid out and on what account respectively, which statement shall be published in some newspaper published in the city of Fort Smith for at least one (1) week next before being presented to the Board of Directors as aforesaid, and at the first meeting of the Board in January of each year, to make a full statement of all the assets of the said school district and of all the financial transactions of the Board for the year next preced-

ing, which statement shall be published as soon thereafter as practicable in that daily newspaper of the city of Fort Smith having the largest circulation, to be ascertained from the sworn statements of the editor or editors. It shall be the duty of the Treasurer to turn over all books, papers, monies and other property belonging to the district, to his successor in office as soon as he is qualified. *Provided*, That the Treasurer may at any time be removed by a two-third ( $\frac{2}{3}$ ) vote of all the members elected to the Board of Directors of the said school district, at a regular meeting of the board, or at a meeting called for that purpose, and of which meeting and purpose all the members shall have had at least ten (10) days previous notice. *Provided further*, That neither the Treasurer nor any member of the Board shall in any case be interested directly or indirectly in any contracts authorized by the Board.

SEC. 3. It shall be the duty of the Secretary of the Board of Directors of the Single School District aforesaid, in addition to his other duties to take and preserve in a proper record, receipts from the Treasurer for all monies belonging to the said District, and to keep a record of all drafts regularly drawn upon the Treasurer, in a separate book to be kept for that purpose.

SEC. 4. That the books and records of the Treasurer and Secretary of the said school district shall be subject at all times to the inspection of any tax-payer of the district, and any citizen of the district may institute proceedings by mandamus, injunction or other proper process in law or equity, as the necessities of the case may demand, to enforce the faithful performance of the duties of any or all of the officers of the said school district; *Provided*, That the President of the Board, shall in all cases be made one of the parties defendant in such proceedings.

SEC. 5. That the Treasurer shall for his services, be allowed a salary of not exceeding one thousand dollars (\$1,000.00) per annum, to be paid in monthly installments from the proceeds of the said school fund of said district.

SEC. 6. That the Board of Directors aforesaid after paying for the erection of such school and high school building as they



may deem suitable, are hereby empowered and authorized to loan the monies derived from the sale of the abandoned military reservation near Fort Smith which was recently donated to the city of Fort Smith for the benefit of its school by act of Congress, to the purchasers of lots under that sale, upon promissory notes of said purchasers respectively, drawing interest at the rate of not less than six (6) per cent. per annum, payable in quarter yearly installments and secured by first mortgage lien on the purchased lot or lots; *Provided*, That not more than the amount of the purchased money paid for any one lot shall be loaned upon that lot.

SEC. 7. That if within thirty (30) days after as much as one thousand dollars (\$1,000.00) of the proceeds of the sale of any of the said lots shall have come into the hands of the Treasurer of the district, there be no application for a loan of as much as that amount by a purchaser or purchasers, then it shall be the duty of the Board to invest it in the bonds of the United States, at their current market value, or loan it to other persons upon good real estate security, such real estate to be located within Fort Smith and worth at least double the amount of the loan.

SEC. 8. That if the Treasurer or any other officer of said district shall convert any part of the funds of the district to his own use, or shall apply it in any way to any other use or uses than those for which they were designed, whether by direct conversion of the funds aforesaid or by fraudulent payments of money in excess of value received, or shall fraudulently loan any of said funds upon insufficient security, he shall be deemed guilty of a felony, and upon conviction shall be fined in a sum equal to double the amount so fraudulently converted or diverted, and be imprisoned in the penitentiary for a period of not less than five (5) years.

Approved March 21st, 1885.

## ACT LXIX.

AN ACT to amend sections six thousand, two hundred and sixty-two (6262), and six thousand, two hundred and sixty-three (6263), of the Revised Statutes of Arkansas.

## SECTION.

1. Amends section 6262 of revised statutes relating to school directors.
2. Amends section 6263.
3. Conflicting laws repealed, and this Act in force and effect from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That section six thousand, two hundred and sixty-two (6262) of the Revised Statutes of Arkansas, be so amended as to read as follows: Immediately after receiving notice of their election and taking the oath of office required of school directors, which oath shall be filed with the clerk or recorder of said city or town, said directors shall meet and by lot determine the length of time of their respective terms of office. Two shall serve until the third (3) Saturday in May next after their election; two for one year thereafter; two for two years thereafter, and on the third (3rd) Saturday in May next after the first election, and annually thereafter, there shall be chosen in the same manner two (2) directors, who shall serve for three years, and until their successors are elected and qualified. Said Board shall fill any vacancy that may occur therein, until the next annual election for directors, when such vacancy shall be filled by election. The ballot of the voter, in addition to the names of the persons voted for at said annual election, shall have written or printed on it the words: "For tax" or "Against tax," and the rate the voter desires levied. In other respects said annual election shall be governed by the general school law.

SEC. 2. That section six thousand, two hundred and sixty-three (6263) be so amended as to read as follows: Said Board of Directors shall organize by choosing from their own number a president and secretary, who shall hold their offices until the last Saturday in May, and annually on that day, said Board shall meet and elect from their number a president and secretary.

SEC. 3. That all laws and parts of laws in conflict with this

Act be, and the same are, hereby repealed, and that this Act take effect and be in force from and after its passage.

Approved March 21, 1885.

ACT LXX.

AN ACT to amend sections six thousand two hundred and fifty-five (6255) and six thousand two hundred and fifty-six (6256) of the Revised Statutes of Arkansas.

SECTION.

1. Amends section 6255 of the Revised Statutes, relating to orders on treasurer for school funds.
2. Amends section 6256, requiring warrants to be endorsed in case no funds to pay them.
3. Conflicting laws repealed, and this Act in force from and after passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That section six thousand, two hundred and fifty-five (6255) of the Revised Statutes of Arkansas be so amended as to read as follows: The order of any board of directors, properly drawn after the passage of this Act, other than those of single school districts in cities and towns, shall be presented to the treasurer of the proper county within sixty days after it was drawn by said board of directors. All such orders shall be paid in the order of their presentation.

SEC. 2. That section six thousand two hundred and fifty-six (6256) of the Revised Statutes of Arkansas be amended as to read as follows: If there are no funds with which to pay such order, the treasurer shall indorse the same: "Not paid for want of funds," giving the date and signing his name officially. He shall number and record each warrant in the book provided for such purpose, keeping a separate record for each district, and shall pay said warrants in the order of their number.

SEC. 4. That all laws and parts of laws in conflict with this

Act be, and the same are, hereby repealed, and that this Act take effect and be in force from and after its passage.

Approved March 21st, 1885.

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### ACT LXXI.

AN ACT to amend section two (2) of an Act to establish two (2) separate Judicial Districts in the county of Craighead, in the State of Arkansas, approved March the sixth (6th), eighteen hundred and eighty-three (1883.)

SECTION.

1. Amends section 2 of an Act to establish two separate Judicial Districts in the county of Craighead.
2. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That section two (2) of the Act of the General Assembly of the State of Arkansas, entitled "An Act to establish two (2) separate Judicial Districts in the county of Craighead, in the State of Arkansas," approved March the sixth (6th), eighteen hundred and eighty-three (1883), be amended so as to read as follows: All that portion of Craighead county lying east of and including range six (6) shall compose and be called the Lake City District, and the residue of said county shall be composed and be called the Jonesboro District.

SEC. 2. This Act shall be in force from and after its passage.

Approved, March 21st, 1885.

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### ACT LXXII.

AN ACT to amend section 5723; Revised Statutes of Arkansas of 1884.

SECTION.

1. Amends section 5723 of revised Statutes, relating to appointment of collectors in cases of death, removal or disability.
2. Act in force and effect from and after passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That section five thousand, seven hundred and twenty-three (5723) of the Revised Statutes of Arkansas, of eighteen hundred and eighty-four, (1884), be amended so as to read as follows : In the event of the death, removal, or disability of the person appointed under the preceding section to perform the duties of collector, the clerk of the County Court shall, immediately, inform the Governor, who shall appoint some competent person having the requisite qualifications under the Constitution and laws of this State, who shall, in all things, comply with the provisions of the laws regulating and governing collectors, and, when so appointed, full faith and credit shall be given to his acts as such. And if, from any cause, there shall be no collector of taxes in any county in this State, during the time prescribed by law for the payment of taxes for any one year, any tax-payer of such county, resident or non-resident, may, within thirty (30) days thereafter, on producing to the State treasurer a certificate from the clerk of the county of the amount of the State taxes, and general county taxes due by such tax-payer, with a list of the property on which the same is due, pay such State and general county taxes into the State treasury and take the treasurer's receipt therefor ; and the county clerk shall, upon said receipt being to him produced, note such payment on the tax books for that year, and, in the event any tax-payer of such county shall fail to pay his State and general county taxes into the State treasury within the said thirty (30) days, such tax-payer shall pay interest at the rate of ten per cent. per annum on the amount of such taxes thereafter until paid ; provided, that no penalty shall attach to any taxes in such county for the non-payment thereof during the time there may be no collector for such county.

SEC. 2. That this Act shall take effect and be in force from and after its passage.

Approved March 23rd, 1885.

## ACT LXXIII.

AN ACT to confirm and make valid certain sales by the State heretofore of Swamp or Overflowed and Internal Improvement Lands.

## SECTION.

1. Makes valid all sales of swamp lands made prior to 30th July, 1874.
2. Act takes effect and force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. All sales by the State of swamp and overflowed and internal improvement lands, made prior to the thirtieth (30th) day of July, eighteen hundred and seventy four (1874), in which the full purchase price, as fixed by law, was paid to the State in bonds, issued under an Act of the General Assembly of the State of Arkansas, approved March twenty-third (23rd), eighteen hundred and seventy-one (1871), in section four thousand and forty-four (4044), of Gantt's Digest, or any subsequent Act authorizing the issuance of bonds known as the levee bonds, Auditor's warrants, or interest accrued thereon, are hereby ratified, confirmed and made as valid as if such lands had been paid for in valid funds.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 23rd, 1885.

## ACT LXXIV.

AN ACT to change the time for holding the Circuit Courts in the Eighth Judicial Circuit.

## SECTION.

1. Changes and fixes anew the times for holding the Circuit Courts in the Eighth Judicial Circuit.
2. Makes all writs and processes returnable at the times fixed by this Act.
3. Conflicting laws repealed and this Act in force and effect from and after the first day of May, 1885.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the regular terms of the Circuit Court of the

Eighth (8th) Judicial Circuit of this State after the spring term thereof, in the year eighteen hundred and eighty-five (1885), shall commence and be held as follows:

In the county of Howard, on the second (2nd) Mondays in January and July, in each year.

In the county of Pike on the fourth (4th) Mondays in January and July in each year.

In the county of Clark on the third (3rd) Monday after the second (2nd) Mondays in January and July in each year.

In the county of Montgomery on the sixth (6th) Monday after the second (2nd) Mondays in January and July in each year.

In the county of Polk, on the seventh (7th) Monday after the second (2nd) Mondays in January and July in each year.

In the county of Sevier, on the eighth (8th) Monday after the second (2nd) Mondays in January, and ninth (9th) Monday after the second (2nd) Mondays in July, in each year.

In the county of Little River, on the tenth (10th) Monday after the second (2nd) Mondays in January, and eleventh (11th) Monday after the second (2nd) Mondays in July in each year.

SEC. 2. That all writs, process and other proceedings, now returnable to the respective courts herein named, at any other time, shall be returnable at the times fixed by this Act.

SEC. 3. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed and this Act shall take effect and be in force from and after the first (1st) day of May, eighteen hundred and eighty-five (1885).

Approved March 24th, 1885.

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ACT LXXV.

AN ACT to prohibit the sale or giving away of spirituous, vinous, or malt

liquors within three miles of Clinton Male and Female Academy in Van Buren county, Arkansas.

S T I O N.

1. Makes it unlawful to sell or give away spirituous, vinous or malt liquors within three miles of Clinton Male and Female Academy in Van Buren county.
2. Regular practicing physician may sell or give away:—Form of oath required.
3. No person excused from the penalties of this Act.
4. Persons convicted of violation of this Act fined not less than \$25.00, nor more than \$ 00.00.
5. Act does not interfere with the use of wine for sacramental purposes.
6. Act in full force and effect from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That it shall be unlawful for any person to sell or give away any spirituous, vinous or malt liquor, or other intoxicating beverage, within three (3) miles of Clinton Male and Female Academy in Van Buren county, Arkansas, situated in section fifteen (15), in township eleven (11), north of range fourteen (14) west, except the same be for medical purposes in the manner hereinafter prescribed.

SEC. 2. That no person shall sell or give away any such spirituous, vinous or malt liquors, within three miles of said Clinton Male and Female Academy, unless he be a regular practicing physician, and shall have made affidavit before the clerk of the County Court of said Van Buren county and had the same spread upon the records of said court in the following form, to-wit: I, ————, do solemnly swear (or affirm) that I am a regular practicing physician, and that I will not sell, or give away, any spirituous, vinous, or malt liquors within the territory described in this Act, to any one, unless it be for actual medical purposes, and believe the kind and quantity will be beneficial in the treatment of the disease under which such person is suffering.

SEC. 3. That no one shall be excused from the penalty of this Act, who may, contrary to its provisions, sell or cause to be sold or given away, any of the intoxicating beverages mentioned, by reason of its being put up as bitters, mixed with drugs, or vended as a medicine, except as provided in the preceding section.

SEC. 4. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction, for each offense shall be fined not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00).



SEC. 5. Nothing in this Act shall be so construed as to interfere with the use of wine for sacramental purposes, nor with the rights of citizens to use spirituous, vinous and malt liquors within their families and at their private residences.

SEC. 6. This Act shall take effect and be in force from and after its passage.

Approved, March 23rd, 1885.

## ACT LXXVI.

AN ACT supplementary to the Act of the General Assembly of the State of Arkansas, approved March 20th, 1879, entitled, "An Act to change the boundary lines between Lincoln and Jefferson and Desha counties, and for other purposes," and to authorize and require the County Courts of Lincoln and Desha counties to levy a special tax.

### PREAMBLE.

### SECTION

1. County Courts of Lincoln and Desha counties required to levy tax to pay special indebtedness in territory specified in section. How levied and collected.
2. Detaches a part of Lincoln county and attaches the same to Desha county.
3. Act in force from passage.

*Whereas*: By authority of an Act of the General Assembly of the State of Arkansas, approved March twentieth (20th), eighteen hundred and seventy-nine, (1879), entitled, "An Act to change the boundary lines between Lincoln and Jefferson and Desha counties, and for other purposes," the sum of twenty-nine hundred and eighty-nine dollars (\$2,989.00), more or less, has been charged against that portion of Lincoln county taken from the county of Jefferson; and,

*Whereas*: By authority of said Act the sum of thirty-two hundred and sixty-six dollars and forty-five cents (\$3,266.45),

more or less, has been charged against that portion of Desha county taken from said county of Lincoln; and

*Whereas:* Said indebtedness is due to the counties from which the said territory was taken; therefore,

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the County Courts of Lincoln and Desha counties are hereby authorized and required at the time of levying other county taxes to levy upon the real and personal property of that portion of their respective counties attached thereto by the said Act, a special tax to pay the indebtedness charged against the inhabitants and real and personal property of the said territory, which special tax shall be levied as part of the general purpose tax of said county. Said special tax shall be levied and collected as other county taxes are levied and collected, and the collectors of revenue for said counties shall receive in payment thereof United States currency, interest bearing certificates of the treasurer of the State of Arkansas, or warrants of the county from which the territory was taken and for whose benefit the said tax is levied. If the levy in one (1) or more years shall prove insufficient to pay the indebtedness, a tax shall be similarly levied in each succeeding year until the whole of such indebtedness shall be paid. Nothing in this Act shall be so construed as to authorize either of said courts to levy a tax upon said territory in any one (1) year for general county purposes greater than five (5) mills on the dollar of the assessed valuation of the territory upon which said tax is levied; provided, the said county courts may levy such additional tax, not exceeding five (5) mills on the dollar, on the said territory, for any debts incurred by, and existing against, said territory prior to the adoption of the present constitution.

SEC. 2. *Be it further enacted:* That all that part of township eight, (8), south of range two (2), west, lying south of the Arkansas river, and now a part of Lincoln county, but in no way connected with the territory of Lincoln county, be and the

same is, hereby detached from Lincoln county and is hereby attached to and declared to be a part of Desha county.

SEC. 3. This Act shall take effect and be in force from and after its passage. "

Approved, March 23rd, 1885.

## ACT LXXVII.

AN ACT to repeal section one of an Act entitled An Act to provide for the funding of the public debt of the State, which was approved April 6th, 1869.

### SECTION.

1. Repeals section one of "an Act to provide for the funding of the State debt."
2. Act takes effect and is in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That section one (1) of an Act, entitled "An Act to provide for the funding of the public debt," which was approved by the Governor on the 6th day of April, eighteen hundred and sixty-nine (1869), shall be, and the same is, hereby repealed, and that from and after the passage of this Act the Governor of the State of Arkansas shall not have power or authority to issue any new bonds of the State in lieu of any of the bonds of the State known as "State Bank Bonds," and "Real Estate Bank Bonds" under the provisions of the Act mentioned in the title of this Act.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved March 23rd, 1885.

## ACT LXXVIII.

AN ACT to change the line dividing the counties of Arkansas and Desha.

## SECTION.

1. Detaches a part of the county of Desha and attaches the same to the county of Arkansas.
2. The county of Arkansas shall assume and pay to Desha county a pro rata of the county indebtedness which shall be found to be owing by the inhabitants of the territory so detached.
3. County Court of Arkansas county shall levy special tax on new territory to pay indebtedness.
4. Administrators, executors and guardians in detached territory required to procure transcript of the records relating to their trusts, and file the same in clerk's office of Arkansas County.
5. Makes it the duty of clerk of Desha county to transcribe all deeds, mortgages and other instruments, as well as the assessment lists of real and personal property for 1885, of the territory so detached, and transmit same to the clerk of Arkansas county. Clerk shall receive compensation as fixed by law.
6. Executions issued against property in detached territory shall be directed to sheriff of Arkansas county. Sheriff of Desha county shall collect delinquent taxes.
7. Until otherwise provided for, the present civil officers in detached territory shall continue to hold their offices and exercise the duties of the same.
8. Conflicting laws repealed and Act in force from passage. This Act not to be construed as to invalidate sales of delinquent property for taxes of 1884 and previous years.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That all that portion of the territory of Desha county, situated in the following boundaries, to-wit: Beginning at the northwest corner of township seven (7), south of the base line in range two (2), west of the fifth principal meridian, running thence east on the line dividing townships six and seven, south of said base line, to the center of the main channel of White river, thence down said main channel to the point where the cut-off connecting the White and Arkansas rivers enters the said White river, thence up the main channel of said cut-off to the point where it intersects the main channel of Arkansas river, thence up the main channel of said Arkansas river to the southeast corner of Arkansas county be, and the same is, hereby detached from the county of Desha and attached to, and hereby declared to be, a portion of the county of Arkansas.

SEC. 2. *Be it further enacted,* That the Clerk of the County Court of Desha county, under the order and direction of the County Court of said county, shall, as soon as practicable, ascertain the amount of the legal indebtedness at the passage of this

Act justly chargeable to the citizens of the territory hereby stricken off from the county of Desha, and upon the real and personal property therein situated; and said indebtedness shall be presented to the County Court of Desha county for examination and adjustment, and when the true amount of such indebtedness is determined, the same shall be entered of [on] record in said County Court and a duly certified copy thereof transmitted to the County Court of Arkansas county, that said county may make the necessary orders for the payment of the said indebtedness.

SEC. 3. *Be it further enacted*, That the County Court of Arkansas county, at the regular time for levying taxes for county purposes, shall levy a separate tax of not less than two (2) mills, (except when a less amount will be sufficient to discharge said indebtedness), upon all the taxable property situated in the territory hereby stricken off from Desha county, to pay the *pro rata* of said indebtedness due the county of Desha, as provided for in section two (2) of this Act, and shall be levied annually until said debt is paid, and the same kind of funds shall be receivable in payment of all taxes levied to pay said indebtedness as would be receivable in payment of said indebtedness, if said territory had remained in Desha county. *Provided*, however, the County Court of Arkansas county shall in no event levy more than one-half ( $\frac{1}{2}$ ) of one (1) per cent. annually for all county purposes, including the tax levied to pay said indebtedness.

SEC. 4. *Be it further enacted*, that all executors, administrators, guardians and curators having control by order of the Court of Probate of Desha county, of estates and wards situated or residing in the territory hereby stricken from said county of Desha at the time of the taking effect of this Act, are hereby required to procure from the clerk of the Court of Probate of Desha county, true and complete transcripts of the records of all such matters as pertain to their respective trusts, and also, all original papers and files belonging thereto, and cause the same to be filed in the office of the clerk of the Court of Pro-

bate of Arkansas county within ninety (90) days after the passage of this Act, and the fees therefor shall be taxed as costs in each case as expenses of administration, unless the said trust shall within said ninety (90) days be closed, and thereupon said executors, administrators, guardians and curators shall proceed to make settlements of their respective trusts and do any and all other lawful acts touching the same, as though they had remained in and subject to the jurisdiction of the Court of Probate of Desha county, and be subject to the same penalties they were before the passage of this Act.

Sec. 5. *Be it further enacted*, That it shall be the duty of the clerk of the Circuit Court and *ex-officio* recorder of Desha county, and he hereby is authorized and directed, to transcribe in a well bound book and certify under his official seal full and complete transcripts of all deeds, mortgages, or other instruments of writing pertaining to titles of real estate or personal property situated in the limits of the territory hereby stricken from Desha county. He shall also, immediately after the passage of this Act, make out a certified transcript of the assessment list of the real and personal property for the year eighteen hundred and eighty-five (1885) of the territory so stricken off by this Act, and transmit the same to the clerk of Arkansas county. *Provided*, however, that all trust deeds or mortgages that have been fully satisfied by the payment of the debts therein mentioned, shall not be transcribed, and such book or books, when so copied and properly certified by the clerk of the Circuit Court and *ex-officio* recorder of Desha county, and placed in the hands of the clerk of the Circuit Court and *ex-officio* recorder of Arkansas county, and by him dated and filed in his office, shall have the same force and effect as if originally filed and recorded in the office of the recorder of Arkansas county, and certified copies thereof shall be received and read in evidence, in all courts of this State, with the same effect as copies of the original instruments are now by law received and read, and that the Clerk of the Circuit Court of Desha county shall be allowed such compensation for said transcripts as is now allowed by law for similar services, to be paid by the county of Arkansas.

SEC. 6. *Be it further enacted*, That all executions that may hereafter be issued upon any judgment or decree in any court in the county of Desha, previous to the taking effect of this Act, against any person or persons residing in, or against any property situate in the territory hereby stricken from Desha county, shall be directed to the sheriff of Arkansas county, who shall execute and return the same to the court from which such execution was issued, according to the mandate thereof. *Provided*, That judgments rendered by Justice's of the Peace against persons living in, or property situate in the territory hereby stricken from Desha county shall have the same force and effect and be executed and returned in the same manner as if said territory had not been stricken from said county. *Provided further*, That the sheriff of Desha county shall have full power and authority to collect any and all delinquent taxes that may appear on the collector's books of Desha county against any of the citizens of the territory stricken off by this Act, the same as if said territory was still a part of Desha county, and he is also granted full power and authority to collect any and all fines that may now appear on the records of Desha county against any of said inhabitants.

SEC. 7. *Be it further enacted*, That, until such time as the County Court of Arkansas County shall otherwise provide, the present civil or political township in the territory hereby stricken from Desha county, shall remain as now organized, and that such Justices of the Peace and constables now holding and exercising their respective offices, by virtue of their election and qualification thereto in said territory, shall continue to hold their said offices and exercise their respective duties, with all the power and authority granted all such officers by the laws of the State of Arkansas, and shall continue in said offices respectively until their successors are elected and qualified.

SEC. 8. *Be it further enacted*, That all laws in conflict with this Act be, and the same are, hereby repealed, and that this Act take effect and be in force from and after its passage. *Provided*, Nothing in this Act shall be construed so as to interfere

with or invalidate the sale of delinquent real property situated in the territory stricken off by this Act for the taxes of eighteen hundred and eighty-four (1884) and previous years, but said sale shall be made in like manner as if said territory was still a part of Desha county.

Approved March 24th, 1885.

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### ACT LXXIX.

AN ACT to amend section sixteen hundred and ninety-three (1693) of Mansfield's Digest, on the subject of selling property on which there exists a lien, &c.

SECTION.

1. Amends section 1693 of Mansfield's Digest, relating to removal of mortgaged property.
2. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That section sixteen hundred and ninety-three (1693) of Mansfield's Digest be amended so as to read as follows : "Any person who shall remove beyond the limits of this State, or of any county where the lien may exist, property of any kind on which a lien shall exist by virtue of a mortgage, deed of trust, or by contract of parties, or by operation of law ; or who shall sell, barter or exchange, or otherwise dispose of any such property with intent to cheat or defraud the holder of such lien, without the consent of the person in whose favor such lien shall have been created [and] exists, or who shall secrete the same, or any part thereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined in any sum not less than ten (\$10.00) nor more than five hundred (\$500.00) dollars. *Provided*, This section shall not apply to persons who innocently violate the same without recorded notice, or other



information of the existence of such lien. *Provided, further,* That this Act shall not be construed to apply to any liens except those the record of which is provided for by law and landlord's liens for rent and supplies.

SEC. 2. That this Act take effect and be in force from its passage.

Approved March 24th, 1885.

## ACT LXXX.

AN ACT to regulate the sale and redemption of Real Estate Bank Lands belonging to the State.

### SECTION.

1. Duty of commissioner to attend at all sales of Real Estate Bank Lands made under decree of Chancery Court.
2. Commissioner of State Lands shall make report to Governor of all lands bought in for State.
3. Clerk of Circuit Court, Sheriff and Assessor of each county made Board of Appraisers.
4. Board of Appraisers required to make oath that they are not interested in any of the lands to be appraised.
- 5 and 6. Duties of Appraisers.
7. Commissioner of State Lands shall give ninety days' notice to owners of equity in lands bought in by State.
8. Within ninety days after the notice persons interested may file application to redeem.
9. Commissioner may issue certificates to persons entitled to redeem on presentation of the receipt of treasurer for the money.
10. When applications have been rejected, Commissioner shall notify parties.
11. Duties of Commissioner in cases where he is notified a contest will be made.
12. How contesting party shall proceed.
13. Court shall try case in a summary manner, or by jury if requested by either party—successful party to file transcript with Commissioner. Either party may appeal to Supreme Court.
14. Commissioner shall not make deed until officially notified that all litigation is fully determined.
15. This Act inures to benefit of legal representatives of owners of equity of redemption.
16. Lands not redeemed subject to sale at not less than appraisement.
17. Act in force and effect from passage.

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*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. It shall be the duty of the Commissioner of State Lands to attend all sales of lands mortgaged to the Real Estate Bank of Arkansas, made by the master in chancery, or other person appointed by the Pulaski Chancery Court to sell such lands, under the decree of such court, upon the foreclosure of the mortgages thereon, and to purchase any or all of such lands at such sales for the State: *Provided*, that said Commissioner shall not purchase any of such lands for the State at a greater price than the amount due and chargeable upon them under the decree of said court.

SEC. 2. Said Commissioner shall, as soon as possible, after any such lands are purchased by him for the State, make a report to the Governor of his action in the premises, showing what lands were so purchased by him for the State at such sale, the county in which they may be situated, the numbers and descriptions of such tracts, and the price at which each tract was struck off to the State; also, what improvements, if any, there are upon such lands, and the value of such improvements, as near as he can estimate them.

SEC. 3. The Clerk of the Circuit Court, the Sheriff and Assessor of each county in this State, shall constitute a Board of Appraisers, to appraise the lands purchased by the State in their respective counties. *Provided*, That in the event either of said officers may be interested in such lands, the remaining members of said board shall select from the other commissioned officers of the county to fill such vacancy.

SEC. 4. Each of said appraisers, before entering upon his duties, shall take, in addition to the oath of office prescribed by the Constitution and laws of the State, an oath that he is not interested directly or indirectly in any of the lands to be appraised by him, and that to the best of his ability, he will appraise all such lands situated in his county, as shown by a list thereof, to be furnished him by the Commissioner, at the actual cash value thereof at the time of such appraisal.

SEC. 5. It shall be the duty of such appraisers to appraise all such lands immediately, or as soon as possible after their qualification; and as soon as they have appraised such land, to make a

schedule in duplicate, showing such lands by numbers and description as sold, and the appraised value of each tract of land of forty (40) acres or less, and forward one copy of the schedule to the Governor, and one to the Commissioner of State Lands.

SEC. 6. Such schedule shall have attached thereto the affidavits of the appraisers, that the description of the lands therein contained, and the valuation thereof, as fixed by them, is correct and fair, to the best of their knowledge, judgment and belief.

SEC. 7. Upon the receipt of the schedule of such appraisers for any county, by the Commissioner of State Lands, he shall, by public proclamation in some newspaper published in the county in which such lands are situated, if any there be, or, if not, in some newspaper having the largest circulation in such county, declare such lands subject to redemption by the owners of the equity thereof, at the time of the purchase of such lands by the State, for ninety days from the date of such proclamation.

SEC. 8. That at any time within ninety days from the date of such proclamation, any person may file, in the office of the Commissioner of State Lands, his application to redeem any one or more of said tracts of lands, accompanied by his affidavit that he was the owner of the equity of redemption of such lands at the time of the purchase by the State, and together with such application and affidavit shall also file whatever evidence of title to such lands as he may possess.

SEC. 9. It shall be the duty of said Commissioner to preserve said application and accompanying papers, and at the expiration of ninety days from the date of such proclamation, he shall proceed to examine said evidences of title, and if it shall appear to his satisfaction that said applicant was the owner of such equity of redemption, and if such applicant shall file with such Commissioner the receipt of the State Treasurer, showing that he has paid the State the full amount of the appraised value of such lands, such Commissioner shall issue to such applicant a certificate of redemption, showing that such applicant has redeemed such lands as provided in this Act.

SEC. 10. If there should be more than one applicant to redeem

said lands, it shall be the duty of said Commissioner to immediately notify such applicant whose application has been rejected, of the fact that there are two applicants for such lands, naming the applicants, and in whose favor he has decided, and describing the land. *Provided*, that no equity of redemption, as fixed by the Pulaski Chancery Court prior to the sale of such lands to the State, shall be disturbed by the Commissioner of State Lands.

SEC. 11. If said applicant, whose claims have been rejected by said Commissioner, shall, within thirty (30) days after said decision, notify the Commissioner of his purpose to contest the same, the Commissioner shall send to the Clerk of the Circuit Court of the county in which such lands are situated, all the papers in his office relating thereto. *Provided*, that this section shall not apply to cases where the equities of the parties have been settled in the Pulaski Chancery Court.

SEC. 12. The party contesting said decision shall immediately after the same is done, sue out a summons from said court, directed to said successful applicant, stating his contest and requiring said successful party to show cause why said certificate of redemption should not be cancelled and set aside.

SEC. 13. If said summons shall have been served ten (10) days next preceding the first term of said court, following said filing before the clerk, then the court shall proceed to hear said cause in a summary way, unless either party shall require a jury, and said cause shall be tried as cases in ejectment are now heard and tried, and if said finding shall be for said contesting party, he shall procure a certified transcript of the same, and when it shall be filed with the said Commissioner, he shall thereupon issue a certificate of redemption to said successful party, and cancel the one theretofore issued. *Provided*, that either party may appeal to the Supreme Court with supersedeas and stay of judgment as provided by law.

SEC. 14. The Commissioner shall not make a deed to such lands until the litigation touching the same, as contemplated herein, is fully determined and he officially notified thereof.

SEC. 15. The benefit of this Act shall inure to the benefit of the legal representatives of such owners of the equity of redemption.

SEC. 16. All lands not redeemed as provided herein shall be subject to sale, to any person, at not less than the appraised value, to be paid in full to the State Treasurer, at the time of such purchase.

SEC. 17. That this Act take effect and be in force from and after its passage.

Approved March 24, 1885.

## ACT LXXXI.

AN ACT to regulate the building of bridges across Bayou Meto, within the limits of navigation.

### SECTION.

1. Corporations and other persons building bridges across Bayou Meto shall leave 30 feet pass-way for boats and rafts.
2. Authorizes Pine Bluff, Swan Lake & White River railroad to construct bridge.
3. Violations of Act made a misdemeanor. Penalties.
4. Act in force and effect from and after its passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That all persons or corporations who may build a bridge across Bayou Meto, within the limits of declared navigation thereof, shall leave in said stream an open channel or pass-way, of the width of thirty (30) feet, thus allowing flat boats and other crafts, as well as rafts of timber, to pass up and down said stream unobstructed.

SEC. 2 *Be it further enacted,* That the Pine Bluff, Swan Lake and White River Railway Company is hereby authorized to construct a trestle bridge across Bayou Meto, at or near the intersection of Cross Bayou with Bayou Meto, in township six (6), south of the base line, range five (5), west of the fifth principal meridian, for the passage of its trains, in accordance with the provisions of section one (1) of this Act.

SEC. 3. *Be it further enacted*, That whoever shall violate the provisions of section one (1) of this Act shall be guilty of a misdemeanor and, on conviction thereof shall be fined in any sum not less than twenty-five (\$25.00) nor more than one hundred dollars (\$100.00) for each day said obstruction may remain in said bayou.

SEC. 4. That this Act shall take effect and be in force from and after its passage.

Approved March 24th, 1885.

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## ACT LXXXII.

AN ACT to make persons charged with crimes and offenses competent witnesses in the Courts in the State of Arkansas.

SECTION

1. Any person under indictment, may at his own request be a competent witness.
2. Conflicting laws repealed and this Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That on the trial of all indictments, informations, complaints, and other proceedings against persons charged with the commission of crimes, offenses and misdemeanors in the State of Arkansas, the person so charged shall, at his own request, but not otherwise, be a competent witness, and his failure to make such request shall not create any presumption against him.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed, and that this Act be in force and take effect from and after its passage.

Approved March 24th, 1885.

ACT LXXXIII.

AN ACT to change and fix the times of holding the Circuit Courts in the Tenth (10th) Judicial District.

SECTION.

1. Changes the times for holding the Circuit Courts of the Tenth Judicial Circuit.
2. All writs and processes made returnable on the days fixed by this Act.
3. Act to take effect and be in force sixty days after its passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That hereafter the Circuit Courts of the counties composing the Tenth (10th) Judicial District shall begin and be held on the days following, to-wit:

In Chicot county on the first (1st) Mondays in January and July of each year.

In Ashley county on the first (1st) Mondays in February and August of each year.

In Drew county on the third (3rd) Mondays in February and August of each year;

In Cleveland county on the second (2nd) Mondays in March and September of each year.

In Dallas county on the fourth (4th) Mondays in March and September of each year.

In Bradley county on the first (1st) Mondays in April and October of each year.

SEC. 2. That no writ or process issued before the passage of this Act shall be invalidated, but all such shall be returned to the courts on the days mentioned, and cases shall be tried as though such writ or process had originally been made returnable on the days herein mentioned.

SEC. 3. That this Act take effect sixty (60) days from and after its passage.

Approved March 24th, 1885.

ACT LXXXIV.

AN ACT to make appropriations for the support of the Arkansas Industrial

University, for the ensuing two (2) years, and for special repairs and improvements.

SECTION.

1. Makes appropriations for support of Arkansas Industrial University.
2. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the following sums be appropriated out of any money in the treasury not otherwise appropriated, to-wit :

The sum of twenty-six thousand dollars (\$26,000.00), to defray the current expenses of the Arkansas Industrial University for the two (2) years ending June eighteen hundred and eighty-seven (1887); The further sum of one thousand and eight hundred dollars (\$1,800.00) for insurance on buildings for two (2) years. The further sum of two thousand and four hundred dollars (\$2,400.00) for new tin roof for building. The further sum of eight thousand dollars (\$8,000.00) for steam heating apparatus for the University building. The further sum of six hundred dollars (\$600.00) to pay the expenses of the State Board of Visitors to the Arkansas Industrial University. To pay Secretary and Regent of the Board for two (2) years, one thousand dollars (\$1,000.00).

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved, March 27th, 1885.

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ACT LXXXV.

AN ACT to restore to market certain Internal Improvement, Seminary and Saline lands, heretofore sold on a credit by the State.

SECTION.

1. Persons who have purchased Internal Improvement, Seminary or Saline lands on credit may surrender their certificates and Commissioner shall cancel same.
2. On presentation of cancelled certificates to treasurer are entitled to their notes.
3. No money shall be refunded—Lands subject to sale again.
4. After expiration of time for surrender and cancellation, all notes shall be put in hands of Attorney-General for collection.



5. Conflicting laws repealed, and this Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That all persons who have heretofore purchased on a credit from the State of Arkansas any of the Internal Improvement, Seminary or Saline lands, granted to this State, may within one (1) year from the passage of this Act, in case any part of the purchase money remains unpaid, surrender their certificates of purchase to the Commissioner of State Lands, and such Commissioner shall thereupon cancel the said certificates, and the said Commissioner shall give to such purchaser a certificate showing that such surrender has been made and that such certificate of purchase has been cancelled on the records of his office.

SEC. 2. That upon the filing of such certificate of cancellation in the office of the treasurer of State, the maker of the note or notes executed to the State for such purchase, their heirs or legal representatives shall be entitled to the return of such notes.

SEC. 3. No money paid shall be refunded, but from the date of cancellation of the certificate of purchase by the Commissioner of State Lands, the sale of the lands embraced therein shall be considered as annulled and said lands shall revert to the State for the use of the respective funds to which they belong under existing laws and shall be restored to market and be subject to sale at the price fixed by law for such lands.

SEC. 4. Immediately after the expiration of the time herein specified for the surrender and cancellation of such notes or other record evidences of indebtedness, the treasurer of State or other officer in whose custody there may be any of such notes, or any other record evidences of indebtedness, shall deliver such notes or any such other evidences of indebtedness remaining unsurrendered and uncanceled, as provided herein, to the Attorney-General of the State, taking his receipt for the same, and the said Attorney-General shall immediately thereafter bring suit in the Pulaski Chancery Court, in the name of the State, to enforce the lien of the State for the pur-

chase money due upon the classes of lands mentioned in this Act, and all suits and proceedings in Chancery to enforce or protect the rights and interests of the State in respect to such lands or the purchase money agreed to be paid therefor, shall be brought, prosecuted and determined in said court.

SEC. 5. That all laws and parts of laws in conflict with this Act, are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved March 26th, 1885.

## ACT LXXXVI.

AN ACT making appropriations for the expenses of the Legislative, Executive and Judicial Departments of the State Government.

### SECTION.

1. Makes appropriations for expenses of Legislative, Executive and Judicial Departments of State Government, for the fiscal year beginning April 1st, 1885, and ending March 31st 1887, viz :

#### LEGISLATIVE.

*First.* Per diem and mileage of expenses of General Assembly \$30,000.

#### JUDICIAL.

*Second.* Salaries of Judges Supreme, Circuit and Chancery Courts \$79,000; and for salaries of Special Judges \$7,000.

*Third.* Salaries of Prosecuting Attorneys, and Prosecuting Attorneys *pro tempore* \$5,200.

*Fourth.* Salaries of Reporter of Supreme Court \$4,000.\*

#### EXECUTIVE.

*Fifth.* Salaries Governor, Secretary of State, Auditor of State, Treasurer, Attorney General, Commissioner of State Lands, and Superintendent of Public Instruction \$28,400.

*Sixth.* Clerk hire in Governor's office \$5,000; rent of Governor's mansion \$1,000.

*Seventh.* Expenses of Governor's office \$5,000.

*Eighth.* Care and repair State House and grounds \$2,500.

*Ninth.* Capitol Police, \$2,500.

*Tenth.* Rewards for Fugitives \$10,000.

*Eleventh.* Postage and Stationery \$6,000.

*Twelfth.* Fuel and Lights \$3,500.

*Thirteenth.* Copying and distributing Acts \$500.

*Fourteenth.* Printing and Binding \$45,000.

SECRETARY OF STATE.

*Fifteenth.* Clerk hire: first clerk \$3,000; two assistant clerks \$4,800.

Contingent expenses \$500.00; janitor \$480.00.

AUDITOR OF STATE.

*Sixteenth.* Clerk hire: Chief clerk \$3,600; Bookkeeper \$3,000, two assistant clerks \$24,800; janitor \$240.00.

For expenses not otherwise provided for \$400.00.

TREASURER OF STATE.

*Seventeenth.* Clerk hire: first clerk \$3,600; second clerk \$3,000; two clerks \$4,800; janitor \$240.00.

Contingent expenses \$500.00,

ATTORNEY GENERAL.

*Eighteenth.* Clerk hire \$1,600; janitor \$240.00. Other expenses not provided for \$200.00; office rent \$480.00; furniture \$250.00.

COMMISSIONER OF STATE LANDS.

*Nineteenth.* Chief clerk \$3,000; three assistant clerks \$7,200; janitor \$240.00; one additional clerk \$2,000; other expenses not provided for \$350.00.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

*Twentieth.* Clerk hire \$1,800; express charges \$400.00; janitor \$240.00; traveling expenses \$500.00; office rent \$480.00; furniture \$800.00.

SUPREME COURT.

*Twenty-first.* Clerk \$2,400; fees and per diem of clerk \$3,000; janitor \$240.00; pay sheriff and other expenses \$250.00; expenses not otherwise provided for \$100.00.

CHANCERY COURT.

*Twenty-second.* Per diem of clerk \$900.00; attendance of sheriff \$600.00; janitor \$240.00; expenses not otherwise provided for \$200.00.

*Twenty-third.* Fees of Register U. S. Land Office \$400.00.

*Twenty-fourth.* Fees of County Clerks \$250.00.

*Twenty-fifth.* Fees of Recorders \$1,500.

*Twenty-sixth.* Refunding money erroneously paid into Treasury \$9,000.

*Twenty-seventh.* Costs in Chancery suits \$1,500; copying opinions of Chancellor \$150.00.

*Twenty-eighth.* Furniture for Governor's office \$300.00.

*Twenty-ninth.* Safe for Treasurers office \$1,000; repairs of vault and office \$500.00.

*Thirtieth.* Furniture for Secretary of state's office \$250.00.

2. Makes appropriations to supply deficits, viz:

Salaries of Special Judges of Supreme and Circuit Courts \$4,000.

Expenses of General Assembly of 1883, \$3,500.

Fees for Register of U. S. Land Offices \$208.80.

Fuel and Lights \$597.00.

Care and repairs of State House and grounds \$260.00.

Expenses of Supreme Court \$1,512.

Salary Jno. Waters, Penitentiary Physician, \$350.00.

Salary of Special Prosecuting Attorneys, \$100.00.

Salary of Thos. H. Simms, Special Master in Chancery, \$700.00.

Salary of J. S. Whiting, Special Clerk, \$216.66.

Expenses of Chancery Court, \$1,031.

Deficits for printing and binding: L. W. Reardon, \$68.50; A. M. Woodruff, \$23.92; True Democrat, \$30.00; Mitchell & Bettis, \$40.50; Gazette Printing Co., \$40.00; Gazette Printing Co. \$145.50; Gazette Printing Co., \$500.25; Joseph Griffith, \$308.75; printing Insane Asylum Reports, \$175.35; printing personal property assessment books, \$245.67.

Deficits in Fuel and Lights: Pulaski Gas Light Co. \$72.49.

Deficits in printing and distributing blanks and blank-books: James Mitchell \$86.63; A. M. Woodruff \$937.58; James Mitchell \$787.50.

Deficits certificates of indebtedness : Certificate No. 105 of 1877, \$3.00 ; certificate No. 105 of 1880, \$17.31 ; certificate No. 171 of 1882, \$40.00 ; certificate No. 9 of 1881, \$198.50 ; certificate No. 11 of 1881, \$19.50 ; certificate No. 5 of 1881, \$10.00 ; certificate No. 6 of 1883, \$4.10 ; certificate No. 30 of 1882, \$202.75 ; certificate No. 118 of 1880, \$11.99.

Expenses Deaf Mute Institute.

Deficits in salaries of Arkansas School for the Blind : Board of Trustees, \$180.00 ; two literary teachers, \$133.65 ; two teachers of handicraft, \$200.00 ; matron, \$100.00 ; physician, \$122.00.

3. No state official shall contract debts or issue certificates of indebtedness in excess of appropriations made by this Act, nor misappropriate any funds—except that in case of insurrection or other emergency the Governor may call out militia. The law in regard to filing itemized statements must be complied with.
4. This Act to take effect and be in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the following named sums be, and the same are hereby appropriated for the objects hereinafter expressed, for the fiscal years beginning on the first (1st) day of April, eighteen hundred and eighty-five, (1885), and ending on the thirty-first (31st) day of March, eighteen hundred and eighty-seven, (1887), to wit :

#### LEGISLATIVE.

First. For *per diem* and mileage of the members and officers of the General Assembly, and the expenses thereof, including the expenses of copying and indexing the Journals of the General Assembly of eighteen hundred and eighty-five, (1885), thirty thousand (\$30,000) dollars. *Provided*, that this appropriation shall be available for any deficit in the appropriation heretofore made for the mileage, per diem and contingent expenses of the General Assembly of eighteen hundred and eighty-five (1885).

#### JUDICIAL.

Second. For salaries of Judges of the Supreme, Circuit and Chancery Courts, seventy-nine thousand (\$79,000) dollars, and for salaries of Special Judges of the Supreme and Circuit Courts, seven thousand (\$7,000) dollars.

Third. For the salaries of Prosecuting Attorneys and Prosecuting Attorneys *pro tempore*, five thousand, two hundred (\$5,200) dollars.

Fourth. For salary of the Reporter of the Supreme Court, four thousand (\$4,000) dollars.

EXECUTIVE.

Fifth. For salaries of Governor, Secretary of State, Auditor of State, Treasurer, Attorney General, Commissioner of State Lands, and Superintendent of Public Instruction, twenty-eight thousand, and four hundred (\$28,400) dollars.

Sixth. For Clerk hire in Governor's office, five thousand (\$5,000) dollars; for rent of Governor's mansion for two (2) years, one thousand (\$1,000) dollars.

Seventh. For expenses of Governor's office not otherwise provided for, five thousand (\$5,000) dollars, to be paid upon his filing with the Auditor an itemized statement showing for what purpose the money is applied. Upon the filing of which, the Auditor shall draw his warrant upon this fund.

Eighth. For care and repair of State House and grounds, two thousand, five hundred (\$2,500) dollars.

Ninth. For maintainance of Capitol police, to be paid upon the order of the Secretary of State, two thousand and five hundred (\$2,500) dollars.

Tenth. For rewards for arrest of fugitives from justice, ten thousand (\$10,000) dollars.

Eleventh. For postage and stationery for the uses of the several State departments, six thousand (\$6,000) dollars.

Twelfth. For fuel and lights for the State departments, three thousand, five hundred (\$3,500) dollars.

Thirteenth. To pay the Secretary of State for copying and distributing the Acts of the present General Assembly, five hundred (\$500) dollars.

Fourteenth. For all printing, publishing and binding done for the State, forty-five thousand (\$45,000) dollars.

SECRETARY OF STATE.

Fifteenth. For clerk hire: first clerk, two (2) years, three thousand (\$3,000) dollars; two (2) assistant clerks for two (2) years, four thousand and eight hundred (\$4,800) dollars.

For expenses of Secretary of State's office not otherwise provided

for, five hundred (\$500) dollars, to be paid on his filing with the Auditor an itemized statement showing for what purposes the money is applied. Janitor for two (2) years, four hundred and eighty (\$480) dollars.

AUDITOR OF STATE.

Sixteenth. For clerk hire: chief clerk for two (2) years, three thousand and six hundred (\$3,600) dollars; book-keeper for two (2) years, three thousand (\$3,000) dollars; two (2) assistant clerks for two (2) years, four thousand, eight hundred (\$4,800) dollars; janitor for two (2) years, two hundred and forty (\$240) dollars.

For expenses of Auditor's office not otherwise provided for, four hundred (\$400) dollars, to be drawn after he has filed in his office an itemized statement showing to what purpose the money is applied.

TREASURER OF STATE.

Seventeenth. For first (1st) clerk, two (2) years, three thousand, six hundred (\$3,600) dollars; for second (2) clerk for two (2) years, three thousand (\$3,000) dollars; for two (2) clerks, two (2) years, four thousand and eight hundred (\$4,800) dollars; for janitor for two (2) years, two hundred and forty (\$240) dollars.

For expenses of Treasurer's office not otherwise provided for, five hundred (\$500) dollars, to be paid upon his filing with the Auditor an itemized statement showing to what purpose the money is applied.

ATTORNEY GENERAL.

Eighteenth. For clerk hire, two (2) years, sixteen hundred (\$1,600) dollars; janitor for two (2) years, two hundred and forty (\$240) dollars.

For expenses not otherwise provided for, two hundred (\$200), dollars, to be paid upon his filing with the Auditor an itemized statement showing to what purpose the money is applied. Office rent for two (2) years four hundred and eighty (\$480) dollars. For

furniture for office of Attorney General, two hundred and fifty (\$250) dollars.

COMMISSIONER OF STATE LANDS.

Nineteenth. Chief clerk for two (2) years, three thousand (\$3,000) dollars; three (3) assistant clerks for two (2) years, seven thousand, two hundred (\$7,200) dollars; janitor for two (2) years, two hundred and forty (\$240) dollars; for one additional clerk two thousand (\$2,000) dollars.

For expenses not otherwise provided for, three hundred and fifty (\$350) dollars, to be paid upon his filing with the Auditor of State an itemized statement showing to what purpose the money is applied.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Twentieth. The sum of eighteen hundred (\$1,800) dollars is hereby appropriated for clerk hire for two (2) years. For express charges on freight on blanks and blank books furnished public schools, four hundred (\$400) dollars; janitor for two (2) years, two hundred and forty (\$240) dollars; traveling expenses, five hundred (\$500) dollars; office rent four hundred and eighty (\$480) dollars; for furniture, three hundred (\$300) dollars.

SUPREME COURT.

Twenty-first. For clerk salaries for two (2) years, two thousand and four hundred (\$2,400) dollars; for fees and *per diem* of clerk of the Supreme Court for two (2) years, three thousand (\$3,000) dollars; janitor for two (2) years, two hundred and forty (\$240) dollars; for pay of Sheriffs and other necessary expenses for two (2) years, two hundred and fifty (\$250) dollars.

For expenses not otherwise provided for, one hundred (\$100) dollars, to be paid upon the filing with the Auditor an itemized statement showing to what purpose the money is applied.

CHANCERY COURT.

Twenty-second. For *per diem* of clerk for two (2) years, nine

hundred (\$900) dollars ; for attendance of Sheriff, two (2) years, six hundred (\$600) dollars ; for janitor for two (2) years, two hundred and forty (\$240) dollars.

For expenses not otherwise provided for, two hundred (\$200) dollars, to be paid upon the filing with the Auditor an itemized statement showing for what purpose the money is used.

Twenty-third. For payment of fees of Register of United States Land Office for furnishing list of lands subject to taxation, four hundred (\$400) dollars.

Twenty-fourth. To pay county clerks for making out and certifying to the Commissioner of State Lands list of lands sold to the State for non-payment of taxes, two hundred and fifty (\$250) dollars.

Twenty-fifth. To pay Recorders for recording lists of lands sold by the State for the non-payment of taxes, one thousand, five hundred (\$1,500) dollars.

Twenty-sixth. For refunding moneys erroneously paid into the State treasury, nine thousand (\$9,000) dollars, *provided* none of this fund shall be applied to the payment of refunding certificates heretofore issued, or that may hereafter be issued, by the Land Commissioner for amounts erroneously paid on or for forfeited lands, nor for the purchase money of any lands or lots sold by the State.

Twenty-seventh. For costs in suits in Chancery Court upon the part of the State, one thousand, five hundred (\$1,500) dollars ; for copying opinions of the Chancellor, one hundred and fifty (\$150) dollars.

Twenty-eighth. For furniture in the Governor's office, three hundred (\$300) dollars.

Twenty-ninth. For one (1) safe in the Treasurer's office, one thousand (\$1,000) dollars ; for repair of vault and office, five hundred (\$500) dollars.

Thirtieth. For furniture in Secretary of State's office, two hundred and fifty (\$250) dollars.

SEC. 2. That the following sums be, and the same are hereby appropriated out of any money in the treasury not otherwise ap-



propriated to supply deficiencies in appropriations heretofore made for the expenses of the State government, viz :

Deficit salary special judges of the Supreme and Circuit Courts, four thousand (\$4,000) dollars.

Deficit expenses of the General Assembly in eighteen hundred and eighty-three, (1883,) three thousand and five hundred (\$3,500) dollars.

Deficit Register United States Land Office, certifying list of lands subject to taxation, two hundred and eight and eighty one-hundredths (\$208.80) dollars.

Deficit fuel and lights for State House, five hundred and ninety-seven (\$597) dollars.

Care and repair of State House and grounds, two hundred and sixty (\$260) dollars.

Deficit expenses of the Supreme Court, one thousand, five hundred and twelve (\$1,512) dollars.

Salary of John Waters, M. D., physician to the penitentiary, three hundred and fifty (\$350) dollars.

Deficit salary special Prosecuting Attorneys, one hundred (\$100) dollars.

Deficit salary Thos. H. Simms, Special Master in Chancery in case of State vs. Thos. J. Churchill, seven hundred (\$700) dollars.

Salary J. S. Whiting, special clerk in same case, two hundred and sixteen and sixty-six one-hundredths (\$216.66) dollars.

Deficit expenses Chancery Court, one thousand and thirty-one (\$1,031) dollars.

Deficit printing and binding done for the State: L. W. Reardon, furnishing Superintendent of Public Instruction blanks, sixty-eight and one-half (\$68.50) dollars; A. M. Woodruff, printing, twenty-three and ninety-two one-hundredths (\$23.92) dollars; "True Democrat," for publishing notice of letting contract for State printing, thirty (\$30) dollars; Mitchell & Bettis, publishing notices of letting public contract, forty and one-half (\$40.50) dollars; Gazette Printing Company, publishing notice of letting public contract, forty (\$40) dollars; Gazette Printing Company, publishing letting printing contract for State,

one hundred and forty-five and one-half (\$145.50) dollars; Gazette Printing Company, for printing Master's report in case of State of Arkansas vs. T. J. Churchill, *et al.*, five hundred and twenty-five one-hundredths (\$500.25) dollars.

Deficit printing and distributing blanks and blank books for the State: James Mitchell, binding done for the State, eighty-six and sixty-three one-hundredths (\$86.63) dollars; A. M. Woodruff, printing blanks for the State, nine hundred and thirty-seven and fifty-eight one-hundredths (\$937.58) dollars; James Mitchell, binding tax books, seven hundred and eighty-seven and one-half (\$787.50) dollars.

Deficits certificates of indebtedness, to-wit: Certificate number one hundred and five (105), of eighteen hundred and seventy-seven (1877), eight (\$8) dollars; certificate number one hundred and five (105), of eighteen hundred and eighty (1880), seventeen and thirty-one one-hundredths (\$17.31) dollars; certificate number one hundred and seventy-one, (171), of eighteen hundred and eighty-two (1882), forty (\$40) dollars; certificate number nine (9), of eighteen hundred and eighty-one (1881), one hundred and ninety-eight and one-half (\$198.50) dollars; certificate number eleven (11), of eighteen hundred and eighty-one (1881), nineteen and one-half (\$19.50) dollars; certificate number five (5), of eighteen hundred and eighty-one (1881), ten (\$10) dollars; certificate number six (6), of eighteen hundred and eighty-three (1883), four and ten one-hundredths (\$4.10) dollars; certificate number thirty (30), of eighteen hundred and eighty-two (1882), two hundred and two and seventy-five one hundredths (\$202.75) dollars; certificate number one hundred and eighteen (118), of eighteen hundred and eighty (1880), eleven and ninety-nine one-hundredths (\$11.99) dollars. To pay Joseph Griffith, for printing, three hundred and three and seventy-eight one-hundredths (\$303.78) dollars; for printing copies of the report of the Insane Asylum, one hundred and seventy-five and thirty-five one-hundredths (\$175.35) dollars; for printing personal property assessment books for Auditor's office, two hundred and forty-five and sixty-seven one-hundredths (\$245.67) dollars.

To pay Pulaski Gas Company, seventy-two and forty-nine one-hundredths dollars (\$72.49).

To pay expenses in Deaf Mute Institute, for the month of December, eighteen hundred and eighty-four (1884) two hundred and thirty-five (\$235.00) dollars.

To provide for deficiencies in the salaries of Arkansas School for the Blind, to-wit: Salary of Board of Trustees, one hundred and eighty (\$180.00) dollars; salaries of two literary teachers, one hundred and thirty-three and sixty-five one-hundredths (\$133.65) dollars; salaries of two teachers of handicraft, two hundred (\$200.00) dollars; salary of matron, one hundred (\$100.00) dollars; salary of physician, one hundred and twenty-two (\$122.00.) dollars.

SEC. 3. No official of the State government shall contract debts or issue certificates of indebtedness above the appropriations above made, or draw or appropriate the funds appropriated herein from one item to another. Except that in cases of insurrection or other emergency, the Governor may call out the militia or use other means to suppress the same: *Provided*, that nothing in this Act making it necessary to file an itemized statement in the Auditor's office, before drawing funds, is intended to, or does, dispense with the necessity of fully complying with all laws on that subject, but is an additional requirement after all other laws are complied with.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 27th, 1885.

## ACT LXXXVII.

AN ACT to amend section six thousand, two hundred and thirty-six (6236), of Revised Statutes of Arkansas, eighteen hundred and eighty-four (1884).

## SECTION.

1. Amends section 6236 of the Revised Statutes, relating to duties of school directors
2. Repeals conflicting laws and this Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That section six thousand, two hundred and thirty-six (6236), of the Revised Statutes of Arkansas, eighteen hundred and eighty-four (1884) be, and the same is, hereby amended so as to read as follows: The directors shall cause the public schools in their districts to be closed on the days appointed for public examination of teachers in their county, and also cause the said school to be closed during the session of the Teacher's Institute; *Provided*, That said schools shall not be closed for a greater length of time than five (5) days during any one session of not more than five (5) months.

SEC. 2. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed and this Act take effect and be in force from and after its passage.

Approved March 27th, 1885.

## ACT LXXXVIII.

AN ACT to provide means for the support of the State government and supply deficiencies in the treasury.

## SECTION.

1. Fixes rate of taxation for raising revenue for support of the State government and its charitable institutions.
2. Conflicting laws repealed and Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That hereafter, for the purpose of raising a revenue to support the State government, paying interest on the

public debt, support of the charitable institutions of the State, and the support of common schools, a tax shall be levied on the taxable property of this State as follows :

For defraying the general expenses of the State government, including the charitable institutions of the State, and supplying deficiencies, there shall be levied for each fiscal year, beginning on the first (1st) Monday in February, eighteen hundred and eighty-five (1885), two mills on the dollar; for the support of public schools, two mills on the dollar. There shall also be levied annually one (1) dollar per capita on every male inhabitant of the State, over twenty-one years of age, for common school purposes.

SEC. 2 That all Acts in conflict with this Act be, and the same are, hereby repealed, and that this Act take effect and be in force from and after its passage.

Approved March 23rd, 1885.

## ACT LXXXIX.

AN ACT to fix a time for holding elections in cities of the first class.

### SECTION.

1. Fixes time for election of mayor, aldermen and other municipal officers for cities of the first class.
2. Officers now in office to hold over until successors are elected.
3. All elections after one provided for in section one, shall be held on first Tuesday in April of each year.
4. Confirms and legalizes divisions into wards of cities of the first class, as now organized.
5. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the next election for mayor, aldermen and other municipal officers, in all cities of the first class, shall be held on the third (3rd) Monday in May, eighteen hundred and eighty-five (1885).

SEC. 2. The mayor, aldermen and other municipal officers now in office shall continue to hold over until their successors are elected and qualified.

SEC. 3. All such elections held after the first (1st) election above provided for shall be held on the first (1st) Tuesdays in April, as now provided by law.

SEC. 4. That in all cases where there has been a city of the first class in this State, apportioned into wards by commissioners appointed by the Governor, in the year eighteen hundred and eighty-five (1885), said apportionment is hereby fully confirmed and legalized, and in all such cases such wards shall remain as thus fixed for the purposes of the next election held after the passage of this Act.

SEC. 5. This Act shall take effect from and after its passage.

Approved March 28th, 1885.

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## ACT XC.

AN ACT to attach a part of Monroe county to the county of Phillips.

SECTION.

1. Attaches a part of the territory of Monroe county to the county of Phillips.
2. Conflicting laws repealed and this Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That all that part of Monroe county lying east of White river, and south of sections sixteen (16), seventeen (17) and eighteen (18), township four (4) south, range one (1) east, be, and the same is, attached to, and the same is hereby declared to be a part of, the county of Phillips.

SEC. 2. That all laws or parts of laws in conflict with this Act are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved March 28th, 1885.

ACT XCI.

AN ACT to provide for extending the time for the assessing and levying Taxes in Pope county, State of Arkansas, for the year A. D., 1885.

PREAMBLE.

SECTION

1. Assessor of Pope county shall give notice in each township of time for assessing property. Other duties of assessor.
2. Extends the time for returning assessment lists for 1885.
3. Time fixed for meeting of the Board of Equalization.
4. Time fixed for meeting of County Court to levy tax.
5. Makes valid all acts of Assessor done under this Act, and this Act in force from passage.

*Whereas*, A vacancy has occurred in the office of Assessor of Pope county, in the State of Arkansas, and an election ordered on the fourteenth (14th) of March, A. D., eighteen hundred and eighty-five (1885), in said county, to fill said vacancy in said office, and the time now provided for by law in which Assessors are required to complete their duties being inadequate, by reason of such vacancy occurring in said office, for the Assessor of Pope county to perform the duties of the office of Assessor for the year A. D. eighteen hundred and eighty-five (1885); therefore,

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. The Assessor of Pope county shall, before the first (1st) Monday in April, of the year A. D. eighteen hundred and eighty-five (1885), post up, in three (3) or more public places in each township of said county, written or printed notices that he will attend, at a day therein named, at the usual voting place in said township, for the purpose of taking a list of the real and personal property of each resident of said township and the per capita tax of such as are liable to pay the same; and said Assessor shall remain at each voting place at least one (1) day where the voting population is less than seventy-five (75), and two (2) days where it is seventy-five (75) and not more than one hundred and twenty-five (125), and three (3) days where it is more than one hundred and twenty-five (125); and the Assessor, upon application, shall furnish each taxpayer an appropriate printed blank upon which to list his property subject to taxation.

SEC. 2. That all duties now required by law to be done and performed by Assessors of the several counties of this State, on or

before the first (1st) Monday in June, in each year, the time for the performance of the same by the Assessor of Pope county, for all purposes, for the year A. D., eighteen hundred and eighty-five (1885), be, and the same is, hereby extended to the first (1st) Monday in July, A. D., eighteen hundred and eighty-five (1885).

SEC. 3. That for the purposes of equalizing the assessment of the personal and real property of said county, of the year A. D., eighteen hundred and eighty-five (1885), the County Board of Equalization of said county, and for the purposes of performing all duties required of them by law, shall meet at the office of the County Clerk of said county, on the first (1st) Monday of July, A. D., eighteen hundred and eighty-five (1885).

SEC. 4. That the County Court of said county, composed of the County Judge and a majority of the Justices of the Peace of said county, shall meet on the fourth (4th) Monday of July, in the year A. D., eighteen hundred and eighty-five (1885), for the purposes of levying the county taxes and making appropriations for the expenses of the county.

SEC. 5. That this Act be in force for the purposes of the assessment and levy of taxes of Pope county for the year A. D., eighteen hundred and eighty-five (1885) only, and that all matters and things done under and by authority of this Act are hereby declared legal and valid, and that this Act be in force from and after its passage.

Approved March 28th, 1885.

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## ACT XCII.

AN ACT to provide for a Sinking Fund for the liquidation of the bonded debt of the county of Washington and of the city of Fayetteville in said county.

### SECTION.

1. Requires County Court to levy tax to create sinking fund for purpose of liquidating "College Bonds."



2. Treasurer of county shall invest money so collected.
3. Requires City Council of Fayetteville to levy tax to be set apart as funds for liquidation of "College Bonds."
4. Requires City Treasurer to invest money so collected
5. Act in force and effect from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That it shall be the duty of the County Court of the county of Washington, at each annual meeting held for the purpose of levying taxes to provide for the levy of a tax of one (1) mill on each one dollar's (\$1.00) worth of taxable property, to be paid into the county treasury as a sinking fund set apart and kept for the sole purpose of liquidating the thirty (30) year eight (8) per cent. bonds known as "College Bonds," held in trust by the State of Arkansas for the benefit of the Arkansas Industrial University.

SEC. 2. That it shall be the duty of the Treasurer of said county, when the said taxes, as provided in section one (1) of this Act, shall have been collected and paid to him annually under the direction of the County Court of said county, to invest the same to the best possible advantage, in interest-bearing bonds, or securities of the State of Arkansas, or of any other State bearing the highest rate of interest and deemed good and safe. And the said County Treasurer shall also, in like manner, as the interest shall accrue and be collected on the investments aforesaid, from time to time, [to] invest said interest in interest-bearing bonds or good securities.

SEC. 3. That it shall be the duty of the City Council of the city of Fayetteville, in said county of Washington, at each annual meeting held for the purpose of levying taxes, to provide for the levy of a tax of one (1) mill on each one (\$1.00) dollar's worth of taxable property, to be paid into the city treasury as a sinking fund, set apart and kept for the sole purpose of liquidating the thirty (30) year eight (8) per cent. bonds, known as "College Bonds," held in trust by the State of Arkansas for the benefit of the Arkansas Industrial University.

SEC. 4. That it shall be the duty of the Treasurer of said city when the said taxes provided for in section three (3) of this Act shall have been collected and paid to him annually under

the direction of the City Council of said city to invest the same to the best possible advantage in interest-bearing bonds or securities of the State of Arkansas, or of any other State bearing the highest rate of interest and deemed good and safe; and the said City Treasurer shall also, in like manner as the interest shall accrue and be collected on the investments aforesaid, from time to time, invest said interest in interest-bearing bonds or securities, as aforesaid.

SEC. 5. That this Act shall take effect and be in force from and after its passage.

Approved, March 28th, 1885.

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### ACT XCIII.

AN ACT to establish two separate Judicial Districts in the county of Union, State of Arkansas.

SECTION.

1. Divides Union county into two Judicial Districts,
2. New Districts to be called New London and El Dorado Districts.
3. Circuit, Chancery and Probate Courts continue to be held at El Dorado, except as hereinafter provided.
4. Courts shall be held same number of times in each district. A citizen of one district shall not be sued in the other district.
5. Circuit Court shall have exclusive jurisdiction over the El Dorado District.
6. Each district considered separate for the purposes of bringing suits, the same as if different counties, except, &c.
7. Change of venue may be taken from one district to the other, or to any other county.
8. Judgments and decrees, liens on all property in the district, &c.
9. Citizens only required to serve on juries in the district in which they reside.
10. Fixes times for holding Probate Court in New London district.
11. Fixes times for holding Circuit Court in New London district.
12. Motions in law or equity now pending in courts shall be adjudicated in the El Dorado district—provided a change of venue may be taken to New London district. Duties of clerk.
13. Probate Court for El Dorado District shall be held at time now fixed by law.
15. Clerk, sheriff and treasurer shall have deputies residing in each district.

16. Clerk shall provide seals, books and records for each district—other duties.
17. In all matters not specified in this Act the county to remain an undivided county.
18. All laws in force for government of Circuit and Probate Courts, and institutions of criminal and civil cases, &c., in full force in New London District.
19. Clerk shall keep separate financial record for each district.
20. All revenue accruing shall be kept for the exclusive use of the district to which it belongs.
21. Treasurer shall receipt for money specifying to which district it belongs.
22. Judge of County Court shall order clerk to procure all records, &c.
23. On or before 1st September, 1885, sheriff shall provide suitable house in which to hold courts in New London district.
24. County Court shall order special election for three commissioners to select county site for New London district.
25. Act takes effect 1st Monday in September, 1885—until which time courts will be held a now required by law—Conflicting laws repealed.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the county of Union shall be divided into two (2) Judicial Districts, to be called the El Dorado District and the New London District.

SEC. 2. All that portion of Union county lying east of the range line, between range thirteen (13) and fourteen (14) shall, be called the New London District, and the residue of said county shall compose and be called the El Dorado District.

SEC. 3. That the Circuit, Chancery and Probate Courts of Union county, in and for the El Dorado District, shall continue to be held at the county seat at Eldorado as now provided by law, except as hereafter provided, and there shall be no change in the style of the process and legal proceedings which shall be pending in said courts.

SEC. 4. That the Circuit, Chancery and Probate Courts of Union county shall be holden the same number of sessions in the town of New London, at a place to be hereafter provided by the citizens of said District, as by law said courts are now holden at the county seat of said county, and at such times as may be designated by law, and shall be called the Circuit and Probate Court of the county of Union for the Eastern District, and the authority and territorial jurisdiction of said Circuit Court shall extend over the Eastern District in the same and in like manner as if said District was a constitutional county of this State; and said Circuit Court of Union county, for the Eastern District, shall have original and exclusive jurisdiction of all

such cases as are now by law vested in the Circuit Courts of this State, which have, or may hereafter arise in the Eastern District: *Provided*, That no citizen or resident of the Western District shall be liable to be sued in the said Eastern District, nor any citizen or resident of the said Eastern District shall be liable to be sued in the Western District in any action whatever.

SEC. 5. That the Circuit Court of the county of Union, held at the county seat, shall have original and exclusive jurisdiction over the El Dorado District, and that from and after the passage of this Act, said Court shall be styled the Circuit Court for the county of Union for the El Dorado District.

SEC. 6. That in order to ascertain in which of the respective Districts, in said county, actions are cognizable in the Circuit Court shall be returnable and tried, the said Districts, for all the purposes of this Act, shall be considered as separate and distinct counties, and the mode and place for trying suits, shall be determined by the general law applicable to different counties, except that all process, civil, criminal, mesne and final that may be issued from the criminal court of either District, shall run through the whole county, and have like effect as if the court where it issued were the only Circuit Court in said county: *Provided*. That no process, except subpoenas for witnesses, criminal process, and executions issued by the Circuit Court of the El Dorado District shall be served on any citizen or resident of the New London District.

SEC. 7. That the Circuit Courts, hereby established in the respective Districts of Union county, shall be as distinct from each other, as if they were Circuit Courts of different counties, and may change the venue from one District to another, or to any other county in the Judicial Circuit, in like manner as changes of venue are granted in this State.

SEC. 8. That all judgments and decrees rendered in the Circuit Court of the respective Districts, shall be liens upon real estate only in the District where such judgments and decrees are rendered; but executions in the hands of the sheriff shall have the

same lien and force throughout the entire county, as though but one court was held in said county; and all sales of real estate or other property made by the sheriff, in accordance with the laws of this State regulating judicial sales, at the court house door of the New London District, shall be as lawful as if made at the court house door of the county seat: *Provided*, That all sales upon executions, decrees and orders of the courts of the New London District, shall be made at the court house door of the New London District.

SEC. 9. That the citizens of Union county shall only be liable to serve on juries in the District in which they reside, but all persons may be subpœnaed in any portion of said county to attend either court in like manner and with the same effect as is now provided by law to compel witnesses to attend any of the courts of this State.

SEC. 10. That the Judge of the Probate Court of Union county shall be Judge of the Probate Court of the New London District, and the judge of said Court shall hold the same at the court house in the New London District, on the second (2nd) Monday in February, May, August and November.

SEC. 11. That until otherwise provided by law, the terms of the Circuit Court in the New London District shall be begun and holden on the sixth (6th) Monday after the first (1st) Monday in March and September.

SEC. 12. That all actions either in law or equity now pending in the Circuit Court or Probate Court of said county of Union shall remain for adjudication and be tried in the Circuit, Chancery or Probate Courts held in the El Dorado District: *Provided*, however, that when parties litigant or their attorneys, in any civil or probate matters petition the court in which such suit or suits are pending, and showing in such petition that it would be to the interest of parties litigant to change the venue to the New London District, the court, if satisfied of the justness of said petition, may order such suit or suits to be transferred from the El Dorado to the New London District, in which case it shall be the duty of the clerk of the court of the El Do-

rado District to make out a full and complete transcript of all the record entries and send the same, together with all the original papers in such cause filed in his office, to the clerk's office in the New London District, which such transcript so made out shall be under the proper seal of said court, and duly certified to by the clerk, at the expense of the party applying for and obtaining such change of venue.

SEC. 13. That the Probate Court in the El Dorado District shall be holden at the same time as is by law now provided, and said Probate Court shall have jurisdiction of all matters pertaining to its jurisdiction within the territorial limits of the El Dorado District, and said court shall be styled the Probate Court of the county of Union, El Dorado District.

SEC. 14. That all matters of probate jurisdiction pertaining to that part of Union county, within the New London District, and to persons and property resident and being therein, shall be subject to the jurisdiction and examination of the Probate Court of the county of Union for the New London District.

SEC. 15. That the sheriff, clerk, treasurer and Probate Judge of the county of Union shall be the sheriff, clerk, treasurer, and Probate Judge of both the El Dorado and New London District, and invested with all the ministerial and judicial and *ex-officio* powers in the respective Districts as such officers now are by law; and it is hereby made the respective duty of the sheriff, clerk, and treasurer of the county of Union, by and with the approval of the presiding Judge of the County Court, to appoint a deputy, and each of the above-named officers shall reside in one of said Districts and their deputies in the other; and the clerk, sheriff, and treasurer, or their [deputies, shall reside in the town of New London in the Eastern District,

SEC. 16. That the clerk of the Circuit Court of the county of Union, shall keep an office in the town of New London, in the New London District, at which place said clerk, or his deputy, shall reside, in addition to the office now required by law to be kept at the county seat of said county. It shall be the

duty of the said clerk to provide a seal for the Circuit Court of the county of Union for the New London District, which shall be the seal of the Probate Court of the New London District and also the seal of the recorder; and said seal to be, in all respects and in like manner, as the seal of the Circuit Court is now by law used in this State. He shall furnish all necessary books and records now by law required to be kept in the offices of the clerks of the Circuit and Probate Courts and recorders' offices of this State, to be paid for by the County Court of Union county, out of the revenue of the New London District; and it shall be the duty of the said clerks to record all deeds and other instruments in writing, now required by law to be recorded, which belong to the inhabitants or property interests of any kind of the New London District, in the proper book of his office, in apt time and in like manner and for the same compensation as the said clerks are now allowed for similar services. All such records and entries as shall be made in said clerk's office of the New London District shall have the same force and effect, and be used in like manner, and the same faith and credit be given them, as is due similar entries or transcripts made in clerk's offices in this State: *Provided*, That all deeds and other instruments in writing required to be recorded, affecting property in the El Dorado District, shall be recorded in the El Dorado District.

SEC. 17. That as to all matters not within the provision of this Act, the county of Union shall be an entire and undivided county. In all business done by the clerk of Union county, he shall state in what District it was done, and shall specify in what court his proceedings have relation to, and shall state the capacity in which he shall act as now required by law. All process issued by the clerk of the Circuit Court of Union county shall be made returnable, according to existing laws, to the proper District, declaring in such process the time, place and court at which the parties to be served with such process are required to attend, and, in all cases not necessary for the purposes of this Act, the clerk shall style himself the clerk of the

proper court or office of the county of Union, and not as the clerk of either District as herein provided for.

SEC. 18. That all laws now in force in this State, not inconsistent with this Act, for the government of the Circuit and Probate Courts, county officers and the institution of suits in civil and criminal cases, summoning, trying, impaneling and charging grand and petit jurors, and the general disposition of all business, shall be, and the same is, hereby declared to be in full force in the New London District.

SEC. 19. That the clerk of the County Court of Union county, shall keep two (2) financial records, in one of which he shall keep a true and perfect record of the financial affairs of the El Dorado District, and in the other he shall keep a similar record for the New London District. The financial affairs of each District shall be kept as separate and distinct as though the two Districts were separate and distinct counties.

SEC. 20. That all revenue accruing to the county of Union from the sale of forfeited lands, both State and county, liquor and ferry license, and from all other sources whatever, shall be used for the exclusive benefit of the District in which such revenue may arise.

SEC. 21. That in making deposits of county funds with the county treasurer, the sheriff and collector shall take his receipt specifying to which District said funds belong.

SEC. 22. That it shall be the duty of the presiding Judge of the County Court immediately after the passage of this Act, to order and direct the clerk of the Circuit Court to procure all such records as are necessary for the transaction of such business in the New London District in Union county, as in this Act provided.

SEC. 23. That on or before the first (1st) Monday in September, eighteen hundred and eighty-five (1885) the sheriff of Union county shall provide or procure a house in the town of New London, in which the Circuit, Chancery and Probate Court of the New London District shall be holden, and all business appertaining to said courts shall be transacted in the said



house in the town of New London, and all judgments and decrees rendered in such temporary court house shall be binding and in full force and effect.

SEC. 24. *Be it further enacted*, That the County Court of Union county shall order an election in the New London District, as soon as practicable, upon a petition of a majority of the qualified electors of said District for the election of three (3) commissioners, whose duty it shall be to locate the county site of the said New London District as near in the center of said District as will suit the convenience of the inhabitants or settlers of said District.

SEC. 25. That this Act shall not take effect and be in force as herein specified until the first (1st) Monday in September, eighteen hundred and eighty-five (1885), but the courts of said Union county shall be held until that date as is now required by law. And all laws and parts of laws in conflict with this Act are hereby repealed.

Approved March 28th, 1885.

## ACT XCIV.

AN ACT to prohibit the sale or giving away of ardent, vinous, malt or fermented liquors within three (3) miles of the Cauthron School, at Cauthron, of Scott county, Arkansas.

### SECTION.

1. Unlawful for any person to sell or give away any spirituous, vinous or malt liquors within three miles of the school house at Cauthron, in Scott county.
2. Practicing physician may prescribe. Must file an oath with County Clerk. Form of oath.
3. Penalty for violating provisions of this Act.
4. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That it shall be unlawful for any person to sell or

give away any spirituous, vinous or malt liquors within three (3) miles of the school-house at Cauthron, in Scott county, Arkansas. *Provided*, regular practicing physicians may furnish spirituous or vinous liquors to their patients under their charge, where the kind and quality is actually necessary in the treatment of the disease under which said patient is at the time suffering.

SEC. 2. That any physician, in order to protect himself from the penalty of this Act, shall file in the office of the County Clerk, of the county in which he resides, an affidavit, which shall be in the following form, to-wit:

"I, ———, do solemnly swear (or affirm) that I am a regular practicing physician, and that I will not prescribe or furnish any vinous or alcoholic stimulants to any one within said territory, except it be, in my judgment, a necessity in the treatment of the disease with which he shall be at the time afflicted."

SEC. 3. That any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction, either in the Circuit Court, or before any Justice of the Peace of the county, shall be fined in any sum not less than twenty-five (\$25.00) nor more than two hundred dollars (\$200.00.)

SEC. 4. That this Act take effect and be in force from and after its passage.

Approved March 28th, 1885.

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### ACT XCV.

AN ACT to amend an Act entitled "An Act for the relief of the citizens near Shady Grove Church, in Dallas County, Arkansas." Approved December the twenty-second (22nd) eighteen hundred and sixty (1860).

SECTION.

1. Unlawful to sell or give away spirituous, vinous or malt liquors within three miles of Shady Grove Baptist Church in Fordyce township, Dallas county.

2. Does not prohibit use of wine for sacramental purposes, or practicing physicians from prescribing. Form of oath to be filed with clerk.
3. Penalty for violating this Act.
4. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That hereafter it shall be unlawful for any person to sell, barter, exchange or give away any alcohol, or any spirituous, ardent, vinous, malt or fermented liquors, or any compound or preparation thereof commonly called tonics, bitters or medicated liquors, or intoxicating spirits of any character whatever, which are used and drank, as a beverage, within three (3) miles of Shady Grove Baptist Church, in Fordyce township, Dallas county, Arkansas.

SEC. 2. This Act shall not be construed as prohibiting the use of wine for sacramental purposes, or to prohibit the prescribing and furnishing of alcoholic stimulants by a regularly licensed practicing physician to the sick under his charge, when he may deem the same necessary ; but before such physician shall be authorized to so prescribe and furnish such alcoholic stimulants, in order to protect himself from the penalties of this Act, he shall file in the office of the County Clerk, of the county in which he resides, an affidavit which shall be in the following form : " I, ———, do solemnly swear (or affirm) that I am a regular licensed and practicing physician and that I will not prescribe or furnish any vinous, alcoholic or intoxicating stimulants to any one except it be in my judgment a necessity in the treatment of the disease with which he shall be at the time afflicted."

SEC. 3. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and, on conviction, shall be fined in any sum not less than twenty-five (\$25) nor more than one hundred dollars (\$100), and every single or separate offense is hereby declared to be a violation of this Act and shall be punished accordingly.

SEC. 4. That this Act take effect and be in force from and after its passage.

Approved, March 28th, 1885.

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ACT XCVI.

AN ACT to protect the citizens of the several counties of this State from Stock Drivers and Stock Speculators.

SECTION.

1. Non-resident drivers shall not herd, or graze their stock in any county in this State—except while driving through or gathering up stock purchased in this State.
2. Fixes penalty for violating this Act.
3. Conflicting laws repealed and Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. It shall be unlawful for any person or persons, not residents of this State, owning in part or in whole any stock whatever, to herd, graze or permit to run at large any stock whatever in any county or counties of this State: *Provided*, that this section shall not be so construed as to prevent stock buyers from gathering up and driving such stock through any county or counties in this State to market.

SEC. 2. That whoever shall be guilty of the violation of the provision of this Act shall be deemed guilty of a misdemeanor and, on conviction thereof, for each separate offense, be fined in any sum not less than one hundred (\$100), nor more than five hundred dollars (\$500.)

SEC. 3. That all laws or parts of laws in conflict with this Act be, and the same is, hereby repealed, and this Act to take effect and be in force from and after its approval.

Approved March 31st, 1885.

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ACT XCVII.

AN ACT to allow Constables a fee for serving a Summons in civil cases.

SECTION.

1. Fees to be allowed Constables for serving summons.
2. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That Constables shall be allowed, for serving a summons in a civil case, for each defendant the sum of fifty cents (.50).

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 31st, 1885.

## ACT XCVIII.

AN ACT to regulate Fees in certain cases in this State.

### SECTION.

1. Fees for posting notices to be allowed sheriffs.
2. Fees to be allowed to constable.
3. Conflicting laws repealed and Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That sheriffs of the several counties of this State shall receive the following fees, to-wit: For posting each notice as required by law, upon the order of any County Court, of the letting of any public contract to build bridges, &c., twenty-five cents (.25c).

SEC. 2. *Be it further enacted,* That the constables of the several townships of this State shall receive the following fees, to-wit: For attending the trial of each case in Justice of Peace court, twenty-five cents (.25c); for attending and calling court at each trial upon continuance, twenty-five cents (.25c); for the care of each prisoner while in actual custody, for each day, fifty cents (.50c), where not otherwise provided for by law.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict herewith be, and the same are, hereby repealed, and

that this Act take effect and be in force from and after its passage.

Approved, March 31st, 1885.

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ACT XCIX.

AN ACT to change the line between the counties of Pulaski and Saline.

SECTION.

1. Changes boundary lines between Pulaski and Saline counties.
2. Conflicting laws repealed and this Act in force from its passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the line between the counties of Pulaski and Saline be changed as follows: Beginning at the southwest corner of section thirty-one (31), in township one, (1), north of range fourteen (14) west; then running north one (1) mile; thence east three (3) miles; thence one (1) mile from the northeast corner of section thirty-three (33), in township one (1), north of range fourteen (14) west, to the southeast corner of section thirty-three (33); thence west to the southwest corner of section thirty-one (31), the place of beginning, so as to include sections thirty-one (31), thirty-two (32) and thirty-three (33), in the county of Saline.

SEC. 2. That all Acts and parts of Acts in conflict with this Act be, and the same are, hereby repealed, and this Act be in force and take effect from and after its passage.

Approved March 31st, 1885.

ACT C.

AN ACT to provide for the sale of certain property belonging to the county of Sebastian.

SECTION.

1. Authorizes County Judge of Sebastian county, after due notice given, to sell certain real estates described in section.
2. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the County Judge of Sebastian county is hereby authorized to sell, at public auction to the highest bidder, after thirty (30) days' notice, to be given in some daily newspaper published in the city of Fort Smith, the following described real estate, to-wit: Fractional block P.P., in said city, and also fractional block one (1) in Griffith and Nix's addition to said city, together with all appurtenances thereunto belonging, but at not less than twenty-five hundred dollars (\$2,500), the proceeds to be divided between the two (2) districts of said county in proportion to their respective taxable wealth, as ascertained from the assessment of eighteen hundred and eighty-four (1884), and he is hereby empowered to execute a warranty deed to said premises to the purchaser.

SEC. 2. That this Act shall take effect from and after its passage.

Approved March 31st, 1885.

ACT CI.

AN ACT to define the lines between the counties of Carroll and Madison.

SECTION.

1. Changes boundary between Carroll and Madison counties,
2. Conflicting laws repealed and Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the line between the counties of Carroll and

Madison be changed so as to read as follows: Beginning at the south-west corner of section sixteen (16), township [nineteen] (19) north range (27) twenty-seven, west, thence due east on the section lines to a point where the line between sections seventeen (17) and twenty (20), township nineteen (19), north range twenty-five (25) west, intersects Kings River; thence up the middle of the channel of Kings River to a point where said River intersects the south boundary line of township nineteen (19), north range twenty-five (25) west; thence east on said township line last named to the north-east quarter of section three (3) township eighteen (18), north range twenty-five (25), west; thence south on the section lines to the south-west corner of section twenty-three (23), in said township, eighteen (18) north range twenty-five (25), west, thence east on the south boundary of said section twenty-three (23) to the quarter section corner to said section twenty-three (23) and section twenty-six (26); thence south on the half mile line through the center of said section twenty-six (26) to the quarter section corner to said section twenty-six (26) and section thirty-five, (35); thence east on the section lines to the north-west corner of section thirty-one (31), township eighteen, (18), north range twenty-four (24), west; thence south on the Range Line to the south-west corner of section six (6), in township seventeen (17), north range twenty-four (24), west; thence east on the section lines to the north-east corner of section eight (8), in said township, seventeen (17), north range twenty-four (24), west; thence south on the section lines to the south-west corner of section sixteen (16), in said township seventeen (17), north range twenty-four (24), west; thence east on the south boundary of said section sixteen (16), to a point where the said line intersects the present line between the counties of Carroll and Newton.

SEC. 2. All laws and parts of laws in conflict with this Act are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved, March 31st, 1885.



ACT CII.

AN ACT to improve the State Capitol building and provide necessary furniture for the offices therein, and to erect a building in which to preserve the arms and ammunition belonging to the State.

SECTION.

1. Secretary of State and two persons appointed by Governor constitutes Board to let contracts for improvements on State House.
2. Duties of Commissioners.
3. Commissioners shall certify and Governor approve all accounts.
4. How vacancies shall be filled.
- 5-6. Other duties of Commissioners.
7. Appropriates \$30,000, to carry out the provisions of this Act.
8. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the Secretary of State and two (2) competent citizens, to be appointed by the Governor, shall form a commission whose duty it shall be to take charge of and make contracts for the improvement of the capitol building of the State, and for necessary furniture for the offices therein, as hereinafter provided.

SEC. 2. That it shall be the duty of said Commissioners to make a contract for the extension of the main or center building of the State House in such manner, and of such dimensions, as to convert the present Senate Chamber into a Representative Hall and to provide for offices or committee rooms in the lower story thereof; to have the main hall of the lower story of the State House laid with suitable tiling, and the other halls and passage ways laid in concrete, and to make such other repairs in and about the State House as may be necessary, and to procure suitable furniture for the offices in the State House as necessity may require.

SEC. 3. That said Commissioners shall certify all accounts made or contracted for by them in pursuance of this Act, and present the same to the Governor for his approval, and, when said accounts are so certified and approved, they shall be presented to the Auditor, who shall draw his warrant on the State Treasurer for the payment of the same.

SEC. 4. In case either of said Commissioners appointed by the Governor refuse to act, or should resign, or should a vacancy otherwise occur in said Commission, the Governor shall have power to appoint a competent citizen to fill such vacancy, and the Secretary

of State and any one of the Commissioners appointed by the Governor shall be competent to act in all the duties and powers required to carry out the provisions of this Act.

SEC. 5. That said Commissioners shall contract for fitting up the new Representative Hall in a suitable manner to accommodate the Representatives in the General Assembly, and they shall also contract for fitting up the present Representative Hall and arrange the same in a proper and suitable manner for the accommodation of the State Senate.

SEC. 6. That it shall be the duty of said Commissioners to make contracts for the erection of a suitable building on the north-west corner of the State House square in which the arms, ammunition and military accoutrements and stores belonging to the State shall be safely preserved.

SEC. 7. That the sum of thirty thousand dollars (\$30,000.00) is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to carry this Act into effect.

SEC. 8. That this Act take effect and be in force from and after its passage.

Approved March 31st, 1885.

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### ACT CIII.

AN ACT regulating the sale of the Sixteenth (16th) Sections, and to provide for the collection of all claims due the School Fund arising from the sales of said Sixteenth (16th) Sections and for other purposes.

SECTION.

1. Inhabitants of any Congressional township may petition for sale of sixteenth sections.
2. Duties of Collector on receipt of petition.
3. In subdividing no tract shall contain more than forty acres.
4. Collector shall cause each subdivision to be appraised.
5. Collector shall give public notice of time of sale.
6. Collector shall offer each tract for sale separately. Sale shall take place between hours of 12 m. and 3 p. m., and may be continued from day to day. No tract shall be sold for less than appraisement. If any tract remain unsold Collector may without petition sell again, giving notice of sale.

7. Collector shall report sales to the County Court.—If sales not confirmed court shall direct Collector to advertise and sell again. Form of certificate to be given purchaser. Commissioner of State Lands shall make deed on presentation of certificate.
8. Collector shall pay all costs of sales out of proceeds.
9. County clerks shall ascertain who are paying taxes on 16th sections. Other duties.
10. County clerks shall keep the account of each township entitled to benefits from this Act.
11. Penalty imposed on county clerk for failing to keep record.
12. Authorizes Attorney-General to employ competent attorneys in each county to collect claims due on account of 16th sections. Other duties.
13. State Treasurer shall place to credit of proper county all moneys received on account 16th section lands.
14. State Treasurer to invest money and place accrued interest to credit of each county.
15. Accrued interest may be drawn in same manner as now provided for by law.
16. All evidences of indebtedness arising from sales of 16th sections shall be turned over to Commissioner of State Lands.
17. County Collectors and Treasurers shall turn over to State Treasurer all the moneys in their hands belonging to 16th section fund.
18. Commissioner of State Lands shall keep record of all deeds made for 16th section lands.
19. Conflicting laws repealed and this Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. Whenever the inhabitants of any Congressional township in this State shall desire the sale of the sixteenth (16th) section of such townships, or of any land substituted therefor, they may, by written petition signed by a majority of the male inhabitants of such township require the Collector of taxes of the county wherein such land is situated to sell the same.

SEC. 2. Upon the reception of such petition, the Collector shall ascertain that it is signed by a majority of the male inhabitants of such township and shall immediately proceed to divide the land into forty acre tracts, and after making such division, a statement or plat of the same and number of each tract shall be made so that the boundaries may be defined and ascertained, which statement or plat of the sections shall be used as a guide in advertising and selling said lands. *Provided*, that the Collector may, when necessity requires it, call the County Surveyor of his county to assist in such survey and division, and he shall be allowed and paid out of the funds arising from the sale of such school lands by said Collector such compensation as he is allowed by law for similar services, and the receipt of such Surveyor to said Collector shall be a sufficient voucher for the money so paid.

SEC. 3. In subdividing the sixteenth (16th) section lands for sale, no tract shall contain more than forty (40) acres, and the division

may be made into town or city lots with roads, streets or alleys between them.

SEC. 4. The Collector shall cause each tract or subdivision of such school land to be appraised at a fair value by three (3) disinterested house-holders of the county, each of whom shall take an oath which shall be endorsed upon the appraisement that he does not desire or intend to buy said land or any part thereof and that he will not directly or indirectly be or become interested in the purchase thereof at the sale to be made by the Collector; such appraisement shall be returned to the Collector.

SEC. 5. The Collector shall then give notice that he will sell the said school lands at the Court House door of the county on the first day of the next term of the County Court upon the terms prescribed by law. Such notice shall be published in some newspaper published in the county where the land is situated at least four weeks before the day of sale. If there be no newspaper published in said county, then the Collector shall post up written notices in at least six (6) of the most public places of the county four weeks before the day of sale. The Collector shall also in either case put up a copy of the notice upon the school-house situated on the land, if there be one thereon; if not, at the most public place on the land.

SEC. 6. Upon the day of sale the Collector shall offer the lands at public auction in separate subdivisions, beginning with number one (1) and ending with the last mentioned division. Such sale shall be made between the hours of 12 M. and 3 P. M., but may be continued from day to day at the same place and between the same hours until all have been sold or offered. The sale shall be made for cash. If any bidder shall fail to perfect his bid by paying the cash, the Collector shall immediately re-sell the land and the bidder shall be responsible for the difference between his bid and the price at which the land sold, which may be recovered from him by the Collector, in action for the use of the township and the Collector shall, if necessary, at once institute suit against such bidder to recover the amount of difference between his bid and the price at which the land sold. No tract or such division shall be sold for less than three-fourths of its appraised value. *Provided further,*

that no tract or subdivision of the sixteenth (16) section lands shall be sold at a less price than one dollar and twenty-five cents (\$1.25) per acre. If any tract offered is not sold it may be offered again upon like notice, upon the first (1st) day of the next, or any succeeding term of the County Court and so on until sold without a new petition.

SEC. 7. The Collector shall, without delay, report all sales to the County Court, which may reject or confirm the same. If any sale be rejected, the County Court may direct the Collector to again advertise and offer the land and may specify the minimum price at which the tract or tracts may be sold, not to be less than two-thirds ( $\frac{2}{3}$ ) of its appraised value. *Provided*, that no tract or subdivision of the sixteenth (16th) section lands shall be sold at a less price than one dollar and twenty-five cents (\$1.25) per acre. If the sale be confirmed by the County Court the Collector shall execute and deliver to the purchaser a certificate in the following form :

I,.....Collector in and for the county of....., State of Arkansas certify that.....has purchased .....of section....., in township....., range....., containing.....acres, at \$..... dollars per acre, and has paid to me in full the sum of.....\$...... dollars. The expense of this sale was :

Cost of advertising, \$ .....

Cost of order of confirmation, \$.....

Cost of rejection of prior sale, \$.....

Surveyor's fee (if any), \$.....

Collector's commission, ...per cent., \$......

Leaving a net balance of \$.....

in my hands due the sixteenth (16th) section fund account of this county.

Now, therefore, upon the presentation of this certificate to the Commissioner of State Lands, the said....., his heirs or assigns, shall be entitled to a deed from said Commissioner of State Lands for the tract of land above described.

.....

Collector of.....County.

In all cases proper orders of confirmation or rejection shall be entered on record by the County Court.

SEC. 8. Out of the money received by the Collector for the sale or sales of the sixteenth (16th) section lands, he shall pay the cost of advertising, cost of confirmation order, cost of rejection of sale (if any), surveyor's fees (if any), and he may retain for his services two (2) per cent. of the gross amount received by him for the sale of such land ; the residue of the money received for the sale of said land, after deducting the expenses as are above provided for, he shall at once transmit to the Treasurer of State, who shall place the amount to the credit of the county's sixteenth (16th) section fund to which it rightfully belongs.

SEC. 9. That the county clerks of the several counties in this State shall examine carefully and closely the tax books of their respective counties and ascertain what person or persons are paying taxes on any part or parts or the whole of the sixteenth (16th) section lands, and it shall be the further duty of the county clerks after ascertaining from the tax books the names of any person or persons paying taxes on any of the sixteenth section lands, and the numbers of said lands, to examine the record of deeds and find by what authority and whether any title or titles vest in said person or persons in whose name or names said lands are assessed, and shall on or before the first Monday in September, eighteen hundred and eighty-five (1885), make and forward to the Commissioner of State Lands a full and complete statement of the exact status and condition of all of the sixteenth (16th) section lands in their respective counties. The county clerks shall be allowed the sum of forty dollars (\$40.00) each for their services in making this report, and it shall be paid to them by their respective counties.

SEC. 10. That the county clerks of the several counties in this State shall keep in a well-bound book provided for that purpose, correct and accurate accounts with each and every township in their several counties, which may be entitled to any of the funds under this Act, and shall immediately after

each and every sale of any part of said sixteenth (16th) sections certify to the Auditor of State the amount of moneys received by such collectors on account of such sales and the Auditor shall thereupon charge the same to such collector.

SEC. 11. That a neglect, failure or refusal, by any county clerk to perform any and all duties enjoined upon him by the provisions of this Act, shall be deemed a misdemeanor and upon conviction thereof, such clerk shall be fined in any sum not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), for each offense and may be removed from office.

SEC. 12. That the Attorney-General of the State of Arkansas be, and he is hereby authorized and instructed to employ competent attorneys residing in the counties in which the lands are situated to collect all claims and notes due the school fund arising from the sale of the sixteenth (16th) section lands. Before taking charge of any of such notes or claims, each of said attorneys shall be required to give bond for the faithful keeping, collecting and accounting for same, as provided for in this Act, in double the sum of the amount supposed to come into his hands, and such security as shall be approved by the Circuit Judge of the Judicial Circuit in which said attorney resides, and such bond when approved shall be filed with the Commissioner of State Lands and the Commissioner of State Lands shall, when such bond has been filed with him, turn over, or cause to be turned over to the said attorney, all notes and claims due the school fund pertaining to the sixteenth (16th) section lands. Said attorneys may retain as fees for collection, ten per cent. of the gross amount collected by them under the provisions of this Act. The remainder of said gross amount, after deducting their fees, as above provided for, shall be by said attorneys transmitted without delay to the Treasurer of State, who shall place the same to the credit of the sixteenth (16th) section fund of the county to which it rightfully belongs, and said attorneys shall prepare and forward to the Commissioner of State Lands a statement for each and every collection

made by them, setting forth the name of the maker of the note or claim, the date of same, and dates of all previous payments (if any) made on such note or claim.

SEC. 13. All moneys paid into the State Treasury arising from the sale or collection of notes and claims pertaining to the sixteenth (16th) section lands, shall be by the State Treasurer placed to the credit of the county's sixteenth (16th) section fund, to which said moneys may rightfully belong, and the Treasurer of State shall, for each payment to him on account of the sixteenth (16th) section fund, issue triplicate receipts, one of which receipts shall be filed with the Auditor of State, one filed with the Commissioner of State Lands and one given to the party making the payment.

SEC. 14. The Treasurer of State shall, by, and under direction of the Board of Commissioners of the Common School Fund, as soon as practicable after the receipt of any moneys paid into the State Treasury on account of the sixteenth (16th) section fund, invest the same in either United States bonds or bonds of the State of Arkansas, and as interest accrues on said investment, he shall collect the same and place to the credit of the respective counties' sixteenth section fund accounts such interest on said investment, in the proportion to which each county is properly entitled.

SEC. 15. That the interest, accruing to the several counties and townships, that may hereafter be in the State Treasury, shall be drawn out of the Treasury in the same manner as now provided by law for drawing other funds due counties, and when drawn shall be accounted for by the County Treasurer in the same manner as for other county funds thus drawn, and the County Court shall distribute and set apart to the proper townships all such sums and funds as shall be due such township, either from the sales of sixteenth (16th) sections in such townships, or from collections of notes belonging thereto.

SEC. 16. That all notes, claims, bonds, papers or evidences of debt belonging to the school fund, arising from the sale or sales of the sixteenth (16th) section lands, in the hands of County



Collectors or other persons, shall be, within ninety days after the passage of this Act, turned over to the Commissioner of State Lands.

SEC. 17. That all County Treasurers, Collectors or other persons having in their possession any funds arising from the sale or sales of the sixteenth (16th) section lands, shall within ninety days after the passage of this Act, pay the same into the State Treasury, and the State Treasurer shall place the same to the credit of the respective counties' sixteenth (16th) section fund accounts to which said funds do rightfully belong.

SEC. 18. That upon the presentation to the Commissioner of State Lands of any certificate of purchase as specified in section seven (7) of this Act, the Commissioner shall execute to the purchaser a deed for the lands therein described, and shall keep a full and complete record of all such sales and of the deeds so issued, and it shall be the further duty of the Commissioner of State Lands to keep as correct records of sale or sales of the sixteenth (16th) section lands as the reports made to him from time to time may enable him to do.

SEC. 19. That all Acts and parts of Acts in conflict with this Act be, and the same are hereby repealed, and this Act to take effect and be in force from and after its passage.

Approved March 31, 1885.

## ACT CIV.

AN ACT to forfeit railroad charters in the State of Arkansas.

### SECTION.

1. Railroad charters declared forfeited when not actually built or in course of construction — Act does not apply to charters obtained since January 1st, 1883.
2. Railroads chartered since January 1st, 1883, shall build at least five miles within eighteen months or forfeit charter.
3. Conflicting laws repealed and Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That all charters heretofore granted by the State to any railroad company, or companies in this State, which have not been built or constructed, and are not now in the course of construction, are hereby declared to be forfeited, and all rights or privileges, of whatever kind, under such charters, shall be null and void, unless railroad companies so chartered shall, within eighteen (18) months from the passage of this Act, actually build, construct and iron at least five (5) miles of the railroad track for which they may have a charter: *Provided*, however, that this Act shall not apply to any railroad company, or companies, that have obtained charters from the State since the first (1st) day of January, eighteen hundred and eighty-three (1883).

SEC. 2. That all charters granted to railroad companies since January first (1st), eighteen hundred and eighty-three (1883), and all charters granted by the State after this Act, shall be null and void, unless the company who has, or may obtain, charters for railroads, their heirs, assigns or successors, shall within eighteen (18) months after the passage of this Act, or within eighteen (18) months after any new charter may be obtained from the State, actually build, construct, iron and fully equip at least five (5) miles of the road or roads for which they may have a charter or charters.

SEC. 3. That all laws in conflict with this Act are hereby repealed and this Act shall take effect from and after its passage.

Approved March 31st, 1885.

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### ACT CV.

AN ACT to erect, furnish and equip an additional building or edifices to the Arkansas State Lunatic Asylum.

SECTION.

1. Appropriates \$92,500, for additional building for and repairs of Lunatic Asylum.
2. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the sum of ninety-two thousand and five hundred (\$92,500.00) dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purpose of building furnishing and equipping an additional building, or ells, for the use and occupancy of the Arkansas State Lunatic Asylum. The money to be drawn from the treasury only upon the warrant of the Auditor of this State, by order of the Board of Trustees of said Asylum, and upon requisition of the Governor.

SEC. 2. This Act shall be in full force and effect from and after its passage.

Approved March 31st, 1885.

## ACT CVI.

AN ACT to establish courts of Chancery in the counties of Lonoke, Pulaski and Faulkner and to abolish the Pulaski Chancery Court as now organized.

### SECTION.

1. Establishes separate courts of Chancery for counties of Pulaski, Lonoke and Faulkner.
2. Courts in Lonoke and Faulkner counties have same jurisdiction as Circuit courts now have, and court in Pulaski have same jurisdiction as at present organized.
3. Appeals may be taken as provided by law.
4. Chancellor may administer oaths, take acknowledgments, &c.
5. The Judge of Pulaski Chancery Court shall be Judge of Lonoke and Faulkner county courts until present term of office expires. Governor may fill vacancies.
6. Chancellor shall have same qualifications as Circuit Judges. Salary \$2,500 per annum. Term of office to be eight years.
7. Abolishes Pulaski Chancery Court as now organized.
8. Clerks of Circuit courts in Lonoke and Faulkner counties to be clerk of the Chancery court. Present clerk of Pulaski court continues in office until term expires. Governor shall appoint in case of vacancy.
- 9 and 10. Special chancellor may be elected when chancellor is disqualified. Vacancy to be filled.

11. In absence of Chancellor, Circuit or County Judges may issue injunctions and restraining orders.
12. Clerks of Circuit Courts shall transfer all records, proceedings, &c., to Chancery Courts.
13. Chancery Courts shall be courts of record and have seal. How styled and known.
14. Sheriff of each county shall be sheriff of court.
15. Chancery Courts may hold adjourned terms, but not conflict with regular terms of Circuit Courts.
16. All writs, processes and orders made returnable to courts as organized by this Act.
17. Shall be two regular terms each year. Fixes times for holding courts.
18. The State shall furnish court room and clerk's office for Pulaski Chancery Courts.
19. Chancery Courts in Lonoke and Faulkner counties shall be held in same place as Circuit Courts now held.
20. Conflicting laws repealed, and this Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That separate Courts of Chancery be, and they are, hereby established in the counties of Lonoke, Pulaski and Faulkner. Said counties shall compose and be known as the first (1st) Chancery District.

SEC. 2. Said Chancery Courts in the counties of Lonoke and Faulkner shall have original jurisdiction in all matters of equity as fully as is now exercised by the Circuit Courts of said counties of Lonoke and Faulkner, and the Chancery Court of Pulaski county shall have the same jurisdiction as fully as is now exercised by the Pulaski Chancery Court as now organized.

SEC. 3. Appeals may be taken from the final orders and decrees of the said Chancery Courts as is now provided by law for appeals from the Circuit Courts in equity cases, and from the Pulaski Chancery Court.

SEC. 4. The Chancellor shall have power to administer oaths in all cases; to take and certify acknowledgments of deeds and other instruments of writing required by law to be acknowledged. He shall be a conservator of the peace throughout the State, and shall have all the powers to act in vacation as are now conferred upon the Circuit Judges and the Judge of the Pulaski Chancery Court in equity matters.

SEC. 5. The Judge of the Pulaski Chancery Court, as now organized, shall be the Chancellor of the Chancery Courts of Lonoke, Faulkner and Pulaski counties hereby established, until his present term of office expires, or until his said office shall become vacant. At the expiration of the present term of office of the

said Chancellor of the Pulaski Chancery Court, or in the event of said office being vacant, before the expiration of said term, then, on the occurrence of either event, the Governor shall, with the advice and consent of the Senate, appoint a Chancellor to preside over the Chancery Courts of Lonoke, Pulaski and Faulkner counties, hereby established. If the Senate shall not be in session when such appointment is made, the appointee shall hold the office and exercise all the functions and powers pertaining to the same until the adjournment of the next General Assembly, convening either in regular or special session, after such appointment.

SEC. 6. The Chancellor shall have the same qualifications required for a Circuit Judge and shall receive the sum of twenty-five hundred dollars (\$2,500.00) per annum, and he shall hold his office for the term of eight (8) years from the date of his appointment by the Governor, should the appointment be confirmed by the Senate, as provided in section five (5) of this Act.

SEC. 7. That the Pulaski Chancery Court, as it is now organized, be, and the same is, hereby abolished and the Chancery Court of Pulaski county shall exercise its functions as established by this Act.

SEC. 8. The clerks of the Circuit Court in the counties wherein Chancery Courts are established by this Act, shall be the clerk of the Chancery Court, in each of said counties, except in the county of Pulaski. The clerk of the Pulaski Chancery Court, as now organized, shall continue to be the clerk of the Chancery Court of Pulaski county until the next general election for State and county officers, at which election a clerk of the Chancery Court of Pulaski county shall be elected by the qualified voters of said county, and in case of a vacancy at any time in the office of clerk of said Chancery Court, the same shall be filled by appointment of the Governor, and the person appointed shall hold the office until the next general election, or until his successor is qualified.

SEC. 9. A special Chancellor may be selected for the same causes and in the same manner as special Circuit Judges are selected, and the regular or special Chancellor shall not be required to reduce his decisions to writing.

SEC. 10. Should a vacancy occur in the office of Chancellor, the same may be filled by the appointment of the Governor from time to time, subject to confirmation by the Senate, as provided in section five (5) of this Act.

SEC. 11. In case of the absence of the Chancellor from the county the Circuit Judge, or the Judge of the County Court of said county, may issue writs of injunction or restraining orders, after the complaint has been filed in the office of the Clerk of the Chancery Court of said county, but not before.

SEC. 12. In cases now required by law to be transferred from the law side to the equity side and from the equity side to the law side of the Circuit Court such cases shall be transferred from the Circuit Court to the Chancery Court and from the Chancery Court to the Circuit Court in the counties wherein the Chancery Courts are established by this Act, and in all equity cases now pending in the Circuit Courts of the counties of Lonoke and Faulkner it is hereby made the duty of the several clerks of the Circuit Courts in said counties to transfer to the Chancery Court of their respective counties all the records, papers and proceedings of every description in any wise pertaining to said equity cases, and said clerks shall also transfer and turn over to the Chancery Court of their respective counties all record books and dockets and entries pertaining to the equity side of the Circuit Court of their respective counties, and when said books, dockets and entries, and said records, papers and proceedings are so transferred and turned over as aforesaid, they shall become the books, records, entries, dockets and papers pertaining to the said Chancery Court, and become part of the record and proceedings in the cases to which they appertain.

SEC. 13. The said Chancery Courts shall be courts of record and have a seal; and, until otherwise ordered by the court, the seal of the Circuit Court shall be the seal of the Chancery Court in each county, respectively. Said Chancery Courts shall be styled and known as "The Lonoke Chancery Court," "The Pulaski Chancery Court," and "The Faulkner Chancery Court."

SEC. 14. The sheriffs of each of the counties in which said Chancery Courts are established, shall be the sheriff of said court.

SEC. 15. The Chancery Courts may adjourn from time to time and hold adjourned terms, such adjourned terms not to conflict with the regular terms of the Circuit Court in their respective counties.

SEC. 16. All writs, orders, summonses or other process issued from the Circuit Courts in equity cases, in the counties of Lonoke and Faulkner, shall be returnable to the Chancery Court in each of said counties respectively.

SEC. 17. There shall be two regular terms in each year of the Chancery Court in each of the counties of Lonoke, Pulaski and Faulkner. The Faulkner Chancery Court shall convene on the fourth (4th) Mondays of March and September in each year. The Pulaski Chancery Court shall convene on the first (1st) Mondays of April and October in each year. The Lonoke Chancery Court shall convene on the third (3rd) Mondays of May and November in each year.

SEC. 18. That inasmuch as the State will necessarily have business, and be interested in cases arising within the jurisdiction of the Chancery Court of Pulaski county, where the seat of Government is situated, the said Court shall be provided with a court room and clerk's office, for the accommodation of said Chancery Court, in the State House building.

SEC. 19. The Chancery Court in the several counties in which they are established shall be held in the same room or building in which the Circuit [Court] is held, except as provided in the last preceding section, and the several counties in which said courts are established shall provide for the expenses lawfully incurred, and which may be certified to be correct by the Chancellor presiding.

SEC. 20. All laws and parts of laws in conflict with this Act are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved April 1st, 1885.

## ACT CVII.

AN ACT granting certain privileges to and prescribing certain duties of Telegraph and Telephone companies, and for other purposes.

## SECTION

1. Gives certain privileges to Telegraph and Telephone companies.
2. May procure condemnation of property, lands, &c., in manner provided by law.
3. Liable for damages.
4. No exclusive privileges given to one company over another.
5. In time of insurrection, war, or civil commotion of any kind shall give prompt attention to messages of either State or United States governments.
6. Misdemeanor to refuse to carry out provisions of section four.
7. Messages shall be transmitted in the order of their receipt without delay.
8. Misdemeanor to violate provisions of section seven.
9. Misdemeanor to interrupt any dispatch, or destroy any property of Telegraph or Telephone companies.
10. Penalties for refusing to transmit messages. How recoverable.
11. Penalty for refusing to allow connexion with other companies.
12. Railroad companies accepting conditions of this Act shall have all rights and privileges of Telegraph and Telephone companies.
13. Amends section 5458 of Revised Statutes.
14. Repeals sections 6419 and 6422 of Revised Statutes and all other conflicting laws, and this Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That any person or corporation organized by virtue of the laws of this State, or of any other State of the United States, or by virtue of the laws of the United States, for the purpose of transmitting intelligence by magnetic telegraph or telephone, or other system of transmitting intelligence, the equivalent thereof, which may be hereafter invented or discovered, may construct, operate and maintain such telegraph, telephone or other lines necessary for the speedy transmission of intelligence along and over the public highways and streets of the cities and towns of this State, or across and under the waters and over any lands or public works belonging to this State, and on and over the lands of private individuals, and upon, along, and parallel to any of the railroads or turnpikes of this State, and on and over the bridges, trestles or structures of said railroads: *Provided*, that the ordinary use of such public highways, streets, works, railroads, bridges, trestles or structures and turnpikes be not thereby obstructed, or the navigation of said waters impeded, and that just damages shall be paid to the owners of such lands, railroads and turnpikes, by reason of the occupation



of said lands, railroads and turnpikes, by said telegraph or telephone corporations.

SEC. 2. That in the event such telegraph or telephone companies should fail, upon application to such individuals, railroads or turnpike companies, to secure such right of way, by consent, contract or agreement, then such telegraph or telephone corporations shall have the right to proceed to procure the condemnation of such property, lands, rights, privileges and easements in the manner prescribed by law for taking private property for right of way for railroads, as provided by section five thousand, four hundred and fifty-eight (5458) to section five thousand, four hundred and sixty-seven (5467), both inclusive, of the Revised Statutes of Arkansas, eighteen hundred and eighty-four (1884).

SEC. 3. That wherever any such telegraph or telephone company shall desire to construct its lines on or along the lands of individuals, or on the right of way and structures of any railroad, or upon and along any turnpike, the said telegraph or telephone company may, by its agents, have the right to peacefully enter upon such lands, structures or right of way and survey, locate and lay out its said lines thereon, being liable, however, for any damage that may result by reason of such acts.

SEC. 4. No telegraph or telephone corporation, organized by virtue of the laws of this State, or doing business in this State by virtue of the laws of any other State, or of the United States, shall have the power to contract with the owners of lands or the right in lands, or with any other person or corporation, for the rights to erect, operate or maintain telegraph, telephone or other lines or works for the speedy transmission of intelligence over his or its lands, privileges, rights or easements to the exclusion of other persons or corporations authorized to erect and operate lines and works for speedy transmission of intelligence.

SEC. 5. In consideration of the right of way over the public property herein conceded, every telegraph or telephone corporation shall, in the case of war, insurrection or civil commotion of any kind, and for the arrest of criminals, give immediate dispatch at the

usual rates of charge to any message connected therewith of any officer of the State, or of the United States.

SEC. 6. Any officer or agent of a telegraph or telephone company who fails or refuses to carry out the provisions of the preceding section is guilty of a misdemeanor.

SEC. 7. All other messages, including those received from other telegraph or telephone companies shall be transmitted in order of their delivery, correctly and without unreasonable delay, and shall be strictly confidential: *Provided, however,* that arrangements may be made with the publishers of newspapers for the transmission of intelligence of general and public interest.

SEC. 8. Any officer or agent of a telegraph or telephone company who willfully violates either of the provisions of the preceding section, is guilty of a misdemeanor, and the telegraph or telephone company so violating is liable in damages to the party aggrieved.

SEC. 9. If any person without authority intercept a dispatch or message transmitted by telegraph or telephone, or willfully destroys or injures any telegraph pole, wire, cable or fixture, he is guilty of a misdemeanor.

SEC. 10. Every telegraph and telephone company doing business in this State must, under a penalty of five hundred dollars (\$500.00) for each and every refusal so to do, transmit over its wires to localities on its lines for any individual or corporation or other telegraph or telephone company, such messages, dispatches or correspondence as may be tendered to it by, or to be transmitted to, any individual or corporation or other telegraph or telephone companies, at the price customarily asked and obtained for the transmission of similar messages, dispatches or correspondence without discrimination as to charges or promptness; the penalty herein prescribed shall be recoverable in any court through proper form of law, one-half ( $\frac{1}{2}$ ) of which shall go to the prosecutor and one-half ( $\frac{1}{2}$ ) to the State.

SEC. 11. Every telephone company doing business in this State and engaged in a general telephone business shall supply all applicants for telephone connection and facilities without discrimination

or partiality, provided such applicants comply or offer to comply with the reasonable regulations of the company, and no such company shall impose any condition or restriction upon any such applicant that are not imposed impartially upon all persons or companies in like situations; nor shall such company discriminate against any individual or company engaged in lawful business, by requiring as condition for furnishing such facilities that they shall not be used in the business of the applicant, or otherwise, under penalty of one hundred dollars (\$100.00) for each day such company continues such discrimination, and refuses such facilities after compliance or offer to comply with the reasonable regulations and time to furnish the same has elapsed, to be recovered by the applicant whose application is so neglected or refused.

SEC. 12. Any railroad company incorporated by the laws of, or operating lines of railroad within this State, upon filing their assent to this Act in the office of the Secretary of State of this State, shall thereby become clothed with the rights, powers and duties provided for telegraph and telephone companies.

SEC. 13. *Be it further enacted*, That section five thousand, four hundred and fifty-eight (5458) of the Revised Statutes of Arkansas, eighteen hundred and eighty-four (1884), be amended to read as follows: Any railroad, telegraph or telephone company, organized under the laws of this State, after having surveyed and located its lines of railroad, telegraph or telephone, shall in all cases where such companies fail to obtain by agreement with the owner of the property through which said lines of railroad, telegraph or telephone may be located, the right of way over the same, apply to the Circuit Court of the county in which said property is situated, by petition, to have the damages for such right of way assessed, giving the owner of such property at least ten (10) days notice in writing of the time and place where such petition will be heard. In case the property sought to be condemned is owned by any individual or coporation and is located in more than one (1) county, the petition may be filed in any Circuit Court having jurisdiction in any county in which the whole or a part of such property may be located, and proceedings had in such Circuit Court will apply to all such proper-

ty designated in such petition. *Provided*, that if the owner or owners of such property be non-residents of the State, infants or persons of unsound mind; such notice shall be given by publication in any newspaper in said county which is authorized by law to publish legal notices, which notice shall be published for the same length of time as may be required in other civil causes. If there be no such newspaper published in the county, then said publication shall be made in some such newspaper designated by the Circuit Clerk, and one written or printed notice thereof posted on the door of the court-house of such county.

SEC. 14. *Be it further enacted*, that sections six thousand, four hundred and nineteen (6419) to section six thousand, four hundred and twenty-two (6422) of the Revised Statutes of Arkansas, eighteen hundred and eighty-four (1884), and all laws or parts of laws inconsistent with this Act, be, and the same are, hereby repealed, and that this Act take effect from and after its passage.

Approved March 31, 1885.

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### ACT CVIII.

AN ACT to amend Section five thousand seven hundred and nineteen (5719) of the Revised Statutes of the State of Arkansas.

SECTION.

1. Amends section 5719, of the Revised Statutes relating to Collector's bond.
2. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That section five thousand seven hundred and nineteen (5719) of the Revised Statutes of Arkansas be amended so as to read as follows:

The bond of the Collector shall be approved as prescribed in this Act, and shall be in amount greater by one-fourth [ $\frac{1}{4}$ ] than the aggregate amount of taxes to be collected by such Collector, one copy

of which shall be forwarded by the Clerk of the County Court to the Auditor of State, the other filed with the Recorder of the county, to be by him recorded.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved March 31st, 1885.

## ACT CIX.

AN ACT to amend Section three thousand nine hundred and ninety-eight (3998) of the Revised Statutes of Arkansas, and for other purposes.

### SECTION.

- 1-2. Amends section 3998 of the Revised Statutes in relation to the empaneling petit juries, etc.
3. Duties of Circuit Judges to appoint jury Commissioners in certain cases.
4. Conflicting laws repealed and Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That section three thousand nine hundred and ninety-eight (3998) of the Revised Statutes of Arkansas be, and the same is, amended to read as follows, to-wit: In counties where the term of the court fixed by law is, or may be, more than twelve (12) judicial days, the court in selecting a petit jury for such term shall direct the jury commissioners to draw and return a second list of petit jurors, which is to be selected, delivered and indorsed like the first list, except to be designated "No. 2."

SEC. 2. *Be it further enacted,* That the jurors embraced in list "No. 2" provided for in section one (1) of this Act shall serve as petit jurors during the remainder of said term of said court: *Provided,* That the jurors summoned to serve in the first jury list serve one half ( $\frac{1}{2}$ ) of the term.

SEC. 3. *Be it further enacted,* That in all cases where the terms of court fall within the provisions of this Act, and where the jury

commissioners have failed to select the list of petit jurors provided in section three thousand nine hundred and ninety-eight (3998), Revised Statutes of Arkansas, for the spring term eighteen hundred and eighty-five (1885) of said court, it shall be the duty of the judge presiding over said courts to appoint the jury Commissioners to select jurors for the autumn term of said court during the first (1st) week of said spring term of said court, which Commissioners shall, in addition to their said duties, also select a petit jury to serve during the latter half ( $\frac{1}{2}$ ) of the spring term of said court, which list of jurors shall be opened and they summoned to serve as jurors during said term of court, as now provided in section three thousand nine hundred and ninety-nine (3999) Revised Statutes of Arkansas.

SEC. 4. That all laws and parts of laws in conflict herewith be and they are, repealed, and this Act be in force and take effect from and after its passage.

Approved March 31st, 1885.

## ACT CX.

### AN ACT to legalize marriages.

#### SECTION.

1. Declares legitimate all children born of parents who have been married by any person authorized to perform ceremony, but not belonging to county where ceremony was performed.
2. Legalizes marriages solemnized by any person authorized to do so not living in county where ceremony was performed.
3. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That all marriages between person authorized to contract marriage and heretofore solemnized by any Justice of the Peace or any other person authorized by law to solemnize the rites of matrimony of any county in any other county in this State, and

such persons afterwards lived together as husband and wife, are hereby declared to be legal and their children legitimate.

SEC. 2. That all such marriages so solemnized up to this time by any Justice of the Peace or any other person authorized by law to solemnize the rites of matrimony of any county in any other county are hereby legalized and made as binding between such married persons, in every respect; as if the rites of matrimony had been solemnized by a Justice of the Peace of the county where such marriage was solemnized.

SEC. 3. That all laws in conflict with this Act are hereby repealed, and this Act take effect and be in force from and after its passage.

Approved March 31st, 1885.

## ACT CXI.

AN ACT to provide for the support and maintenance of the Arkansas Deaf Mute Institute.

### SECTION.

1. Appropriates following sums for support of Arkansas Deaf Mute Institute for the two years ending 31st March, 1887, viz ;
  - First.* To pay Principal, \$1,200 per annum.
  - Second.* To pay Matron, \$500 per annum.
  - Third.* To pay teacher of class No. 1, non-resident, \$1,000 per annum.
  - Fourth.* To pay three additional teachers, \$1,400 per annum.
  - Fifth.* To pay teacher of articulation, \$600 per annum.
  - Sixth.* To pay physician, \$400 per annum.
  - Seventh.* To pay instructor in printing office, \$500 per annum.
  - Eighth.* To pay instructor in shoe shop, \$400 per annum.
  - Ninth.* To pay Board of Directors, \$180 per annum.
  - Tenth.* To pay current expenses of each pupil, \$150 per annum.
  - Eleventh.* To provide for indigent pupils not to exceed \$40 per annum for each pupil, and whole appropriation not to exceed \$300 per annum.
  - Twelfth.* To pay for laundry and heating machines, \$1,500.
  - Thirteenth.* To pay for material for improvements in printing office, \$1,500.
2. Act takes effect and is in force after April 1st, 1885.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the following sums are hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the support and maintenance of the Arkansas Deaf Mute Institute for two (2) years, beginning on the first (1st) day of April, one thousand eight hundred and eighty-five (1885), and ending on the thirty-first (31st) day of March, one thousand eight hundred and eighty-seven (1887), to-wit:

To pay salaries, the sum of six thousand one hundred and eighty dollars (\$6,180.00) per annum, as follows:

First. For the pay of Principal, the sum of one thousand two hundred dollars (\$1,200.00) per annum.

Second. For the pay of Matron, the sum of five hundred dollars (\$500.00) per annum.

Third. For the pay of teacher of class number one (1), non-resident, the sum of one thousand dollars (\$1,000.00) per annum.

Fourth. For the pay of three (3) additional teachers, one thousand four hundred dollars (\$1,400.00) per annum.

Fifth. For the pay of one (1) teacher in articulation, the sum of six hundred (\$600.00) per annum.

Sixth. For the pay of attendant physician, the sum of four hundred dollars (\$400.00) per annum.

Seventh. For the pay of instructor in printing office, five hundred dollars (\$500.00) per annum.

Eighth. For the pay of instructor in shoe shop, the sum of four hundred dollars (\$400.00) per annum.

Ninth. For the pay of the Board of Directors, one hundred and eighty dollars (\$180.00) per annum.

Tenth. To pay the current expenses of each pupil in attendance, the sum of one hundred and fifty (\$150.00) per annum, payable in monthly installments, not to exceed the sum of ten thousand (\$10,000.00) annually; *Provided*, That in case the parents or guardians of any pupil shall pay in whole or in part for the board and tuition of such pupil, the amount so paid shall be deducted from the one hundred and fifty dollars (\$150.00) appropriated by the State.

Eleventh. To carry out the provisions of an Act approved



December seventeenth (17th), eighteen hundred and seventy-five (1875), to provide for the clothing of indigent pupils by the State, to be refunded by their respective counties, the sum of not exceeding forty dollars (\$40.00) per pupil: *Provided*, The whole amount appropriated for this purpose, by this section, shall not exceed six hundred dollars (\$600.00) per annum.

Twelfth. To supply and introduce laundry machines and heating, the sum of one thousand five hundred dollars (\$1,500.00).

Thirteenth. For the purchase of material and improvements in printing office, the sum of one thousand five hundred dollars (\$1,500.00).

Fourteenth. For repairs of buildings and grounds, the sum of one thousand dollars (\$1,000.00).

SEC. 2. That this Act take effect from and after the first (1st) day of April, eighteen hundred and eighty-five (1885).

Approved March 31st, 1885.

## · ACT CXII.

AN ACT to amend and extend the provisions of sections 5812 and 5815 of the revised Statutes of Arkansas.

### SECTION.

1 and 2. Amends sections 5812 and 5815 of the Revised Statutes, relating to the sale of lands for delinquent taxes. Duties of clerks and collectors.

3. Act in force from passage, and all conflicting laws repealed.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That section five thousand eight hundred and twelve (5812), of the Revised Statutes of Arkansas be, and the same is, hereby so amended and extended as to read as follows: The clerk of the County Court shall, within ten (10) days after the close of the sale of land for delinquent taxes, make settlement with the Collector of the county, and ascertain the amount of taxes with which said Collector is to stand

charged, and after deducting the amount of taxes still remaining delinquent and on all errors and the collection fees allowed the Collector by law from the several taxes charged on the tax books in a just and ratable proportion, the Collector shall be held liable for the balance of such taxes, and the Clerk of the County Court shall certify the balance due from the Collector for all state purposes to the Auditor of State and to the Treasurer of State, and the balance due the county, and all other balances due for every other purpose to the proper persons entitled by law to the custody of said balances, and the Treasurer of State shall preserve and keep on file in his office for reference and as a check upon the Auditor's office the certificate of balances due from Collectors furnished him by the Clerks of the County Courts, and if, upon final settlement with the Collector, the statement of balances due from such Collector, furnished said Treasurer by the Auditor, shall differ from the statement of such Collector's accounts furnished said Treasurer by the Clerk of the County Court, said Treasurer shall at once proceed to ascertain the cause of said difference and upon a final adjustment of the same give to the Collector, if his accounts be found to be correct, the receipts required by law.

SEC. 2. That section five thousand eight hundred and fifteen (5815) of the Revised Statutes of Arkansas be, and the same is, hereby so amended and extended as to read as follows: The Collector shall, within fifteen (15) days after his settlement with the Clerk of the County Court, proceed to the seat of government and there make settlement with the Auditor of State for all the State taxes collected by him. The Auditor shall deduct the amount of taxes shown to be delinquent and by error shown by the statement certified to him by the Clerk of the County Court, as provided in section one (1) of this Act, and the collection fees, including mileage due such Collector, from the several taxes due and charged upon the tax books in a just and ratable proportion; the Collector shall be held liable for the balances of such taxes. When the Auditor shall deduct from the balances certified to be due by the Clerk of the Court any fees, commis-

sions or mileage of any Collector, he shall furnish to the State Treasurer a statement of such deduction at the time he furnishes said Treasurer a statement of the balances due from such Collector, and if, in the settlement of the accounts of such Collector, the Auditor shall in any way change the result, or differ from the settlement certified to by the Clerk of the County Court, he shall certify such changes or differences to the Treasurer of State for his comparison with the list furnished him by the Clerk of the County Court, and in no case shall the Auditor change or make settlement with Collectors differently from the certified balances furnished him by the Clerk of the County Court, without furnishing to the Treasurer of State a certified statement of such changes or differences and his reason for the same.

SEC. 3. This Act shall be in force from and after its passage; all laws in conflict herewith are repealed.

Approved March 31st, 1885.

### ACT CXIII.

AN ACT to declare Little Red River a navigable stream.

SECTION.

1. Declares Little Red River a navigable stream within certain limits.
2. Conflicting laws repealed, and this Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That all that part of Little Red River beginning at Searcy Landing, in United States survey number two thousand three hundred and twelve (2312) in White county, and extending up said stream to the foot of Sugar Loaf Mountain, in section seventeen (17), township ten (10) north, range nine (9) west, in Cleburne

county, in said State, be, and the same is, hereby declared to be a navigable stream.

SEC. 2 That all laws in conflict with this Act be, and the same are, hereby repealed, and this Act take effect and be in force from and after its passage.

Approved March 31st, 1885.

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### ACT CXIV.

AN ACT to provide for the erection of new buildings within the walls of the State Penitentiary.

SECTION.

1. Board of Commissioners authorized to let contracts for additional buildings within Penitentiary walls.
2. Bond required of contractors for faithful performance of work.
3. Appropriates \$75,000 for the work,
4. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the Board of Commissioners of the State Penitentiary be, and they are, hereby authorized to advertise and let to the lowest responsible bidder at public letting, after sixty (60) days notice, to be given in a newspaper published in the city of Little Rock, of the time and place of such letting, which letting shall be at the front door of the State-house in said city, a contract for the erection and completion within the walls of the Penitentiary, on such sites as said Commissioners may select, two (2) buildings, to be built of brick, one (1) of said buildings to be two hundred (200) feet long and forty (40) feet wide and three (3) stories high; the lower story to be built for a dining-room, kitchen and store-room; the second (2nd) story to be built for a chapel for religious services, a room for a library and two (2) bed-rooms for officers of the prison, and the third (3rd) story to be built for a workshop. The other of said

buildings to be one hundred and fifty (150) feet long, by fifty (50) feet in width, and two (2) stories high; the lower story to be built for a prison for female convicts and laundry, and the second (2nd) story to be built for a hospital, with three (3) wards therein, and a dispensary; both of said buildings to be erected according to plans and specifications furnished by said Commissioners, and under the immediate supervision of some competent architect, to be selected by them.

SEC. 2. Said Commissioners shall take from the contractor or contractors for said work a bond to the State of Arkansas in the sum of twenty-five thousand dollars (\$25,000.00), with qualified sureties, such as is required by law on Collectors' bonds, conditioned for the faithful performance of any contract or contracts hereunder, which bond shall be deposited with the State Treasurer.

SEC. 3. That the sum of seventy-five thousand dollars (\$75,000.00), or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay for the erection and completion of said buildings, the same to be paid when said work shall have been completed according to contract. *Provided*, that said Commissioners may from time to time, as said work progresses, pay to said contractor or contractors an amount equal to the estimated value of such completed work, less fifteen per centum of such estimated value, which fifteen per centum shall be retained until the completion of said work as additional surety for the faithful performance of said contract.

SEC. 4. That this Act take effect and be in force from and after its passage.

Approved March 31, 1885.

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ACT CXV.

AN ACT to build, equip and furnish an additional building for the use of the Arkansas School for the Blind.

SECTION.

1. Appropriates \$60,000 for equipping and building addition to Arkansas Blind School.
2. Treasurer shall pay on requisition of the Governor.
3. Act in force from and after passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the sum of sixty thousand dollars (\$60,000.00), or so much thereof as may be necessary is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of building equipping and furnishing an additional building for the use of the Arkansas School for the Blind.

SEC. 2. That the money shall be paid out of the Treasury upon the warrant of the Auditor to the Board of Trustees upon the requisition of the Governor.

SEC. 3. That this Act take effect from and after its passage.

Approved April 1st, 1885.

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ACT CXVI.

AN ACT to erect an additional building for the Arkansas Deaf Mute Institute.

SECTION.

1. Appropriates \$20,000 for erection of building for use of Deaf Mute Institute.
2. Money to be paid out on requisition of the Governor.
3. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the sum of twenty thousand dollars (\$20,000.00) is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of erecting an additional building for the use of the Arkansas Deaf Mute Institute, and the Board of Trustees of said Institute are hereby authorized to adopt plans and specifications for said building, subject to the approval of the Gov-

ernor and to perform all other acts necessary to the completion of the building.

SEC. 2. That the above appropriation of money shall be paid out of the Treasury upon the warrant of the Auditor, upon the order of the Board of Trustees and requisition of the Governor.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved April 1st, 1885.

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ACT CXVII.

AN ACT for the better quieting of titles.

SECTION.

1. Makes valid all deeds or conveyances recorded prior to March 1st, 1885, except, etc.
2. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That all deeds and other conveyances, recorded prior to the first (1st) day of March, eighteen hundred and eighty-five (1885), purporting to have been acknowledged before any officer, and which have not heretofore been invalidated by any judicial proceeding shall be held valid to pass the estate which such conveyance purports to transfer, although such acknowledgment may have been on any account defective (excepting only cases where such conveyance shall have been executed by minors or insanes). *Provided*, That the records of all such instruments shall be as valid as if they had been acknowledged according to law.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved April 1st, 1885.

## ACT CXVIII.

AN ACT to amend Section Four of Mansfield's Digest.

## SECTION.

1. Estates not exceeding \$300 in value shall vest in minor children. No administration required — Duties of Probate Courts in such cases.
2. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. When any man shall die leaving minor children and no widow, and his estate shall not be above the value of three hundred dollars (\$300.00), his entire estate shall vest in his minor children for their support and education, and the Probate Court shall not be required to appoint an administrator on such estate. *Provided further,* That such minor children shall be entitled to retain the sum of three hundred dollars (\$300.00) out of such estate regardless of the valuation of said estate for their support and education, and it shall be the duty of the Probate Court to order said sum of three hundred dollars (\$300.00) paid over for the benefit of said minor children.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved April 1st, 1885.

## ACT CXIX.

AN ACT to provide for the support and maintenance of the Arkansas State Lunatic Asylum.

## SECTION

1. Appropriates following sums for support of Arkansas Insane Asylum, for the two years ending March 31st, 1887 :

Salary of Superintendent, \$2,000 per annum.  
Salary of Assistant Physician, \$1,000 per annum.  
Salary of Additional Assistant Physician, \$800 per annum.  
Salary of Steward, \$1,000 per annum.  
Salary of Matron, \$500 per annum.  
Salary of Engineer, \$1,000 per annum.  
Salary of Assistant Engineer, \$600 per annum.



Salary of One Fireman, \$240 per annum.  
 Salary of Additional Fireman, \$240 per annum.  
 Salary of Secretary and Treasurer, \$500 per annum.  
 Salary of Gardner, \$300 per annum.  
 Salary of Seamstress, \$240 per annum.  
 Salary of Laundress, \$240 per annum.  
 Salary of Six Male Attendants, each, \$270 per annum.  
 Salary of Four Additional Male Attendants, each, \$270 per annum.  
 Salary of Four Female Attendants, each, \$240 per annum.  
 Salary of Three Additional Female Attendants, each, \$240 per annum.  
 Salary of Three Additional Female Attendants, each, \$240 per annum.  
 Salary of Three Male Attendants, each, \$240 per annum.  
 Salary of Three Female Attendants, each, \$210 per annum.  
 Salary of Two Additional Female Attendants, each, \$210 per annum.  
 Salary of One Cook, \$360 per annum.  
 Salary of Two Assistant Cooks, each, \$240 per annum.  
 Salary of One Additional Cook, \$240 per annum.  
 Salary of Three Chambermaids, each, \$144 per annum.  
 Salary of One Additional Chambermaid, \$144 per annum.  
 Salary of One Waiter, \$180 per annum.  
 Salary of One Additional Waiter, \$180 per annum.  
 Salary of One Porter, \$180 per annum.  
 Salary of One Dining-room servant, \$180 per annum.  
 Salary of Six Washerwomen, each, \$144 per annum.  
 Salary of Two Additional Washerwomen, each, \$144 per annum.  
 Salary of One Wagoner, \$240 per annum.  
 Salary of One Night Watchman, \$240 per annum.  
 Salary of One Baker, \$360 per annum.  
 Salary of One Dairyman, \$240 per annum.  
 Salary of One Apothecary, \$360 per annum.  
 Rent, Office Secretary and Treasurer, \$150 per annum.  
 Pay and Expenses Board of Directors, \$300 per annum.  
 Postage and Stationary, \$500 per annum.  
 To pay current expenses of each patient, including board of officers and employes,  
 \$140 per annum.

2. The appropriation for "additional" employes shall not be used unless the Asylum is enlarged and the increased number of patients render the appropriation necessary.
3. This Act to take effect and be in force from and after the 1st April, 1885.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the following sums are hereby appropriated out of any money in the Treasury not otherwise appropriated, or a sufficient amount thereof, for the support and maintenance of the Arkansas Insane Asylum for the term of two (2) years, beginning on the first (1st) day of April, one thousand eight hundred and eighty-five (1885), and ending on the thirty-first (31st) day of March, one thousand eight hundred and eighty-seven (1887), to wit: For the salary of Superintendent, two thousand dollars (\$2,000.00), per annum.

Salary of assistant physician, one thousand dollars (\$1,000.00) per annum.

Salary of additional assistant physician for second (2nd) year, eight hundred dollars (\$800.00).

Salary of steward, one thousand dollars (\$1,000.00) per annum.

Salary of matron, five hundred dollars (\$500.00) per annum.

Salary of engineer, one thousand dollars (\$1,000.00) per annum.

Salary of assistant engineer, second (2nd) year, six hundred dollars (\$600.00).

Salary of one (1) fireman, two hundred and forty dollars (\$240.00) per annum.

Salary of an additional fireman second (2nd) year, two hundred and forty dollars (\$240.00).

Salary of Secretary and Treasurer, five hundred dollars (\$500.00) per annum.

Salary of gardner, three hundred dollars (\$300.00) per annum.

Salary of seamstress, two hundred and forty dollars (\$240.00) per annum.

Salary of laundress, two hundred and forty dollars (\$240.00) per annum.

Salaries of six (6) male attendants each, two hundred and seventy dollars (\$270.00) per annum.

Salaries of four (4) additional male attendants second year, each two hundred and seventy dollars (\$270.00).

Salaries of four (4) female attendants each, two hundred and forty dollars (\$240.00) per annum.

Salaries of three (3) additional female attendants second (2nd) year each, two hundred and forty dollars (\$240.00).

Salaries of three (3) male attendants each, two hundred and forty dollars (\$240.00) per annum.

Salaries of two (2) additional male attendants second (2nd) year each, two hundred and forty dollars (\$240.00).

Salaries of three (3) female attendants, each two hundred and ten dollars (\$210.00), per annum.

Salaries of two (2) additional female attendants second (2nd) year, each two hundred and ten dollars (\$210.00).

Salary of one (1) cook three hundred and sixty dollars (\$360.00) per annum.

Salaries of two (2) assistant cooks, each two hundred and forty dollars (\$240.00) per annum.

Salary of one (1) additional cook second (2nd) year, two hundred and forty dollars (\$240.00).

Salaries of three (3) chamber-maids, each one hundred and forty-four dollars (\$144.00) per annum.

Salary of one (1) additional chamber-maid second (2nd) year, one hundred and forty-four dollars (\$144.00).

Salary of one waiter, one hundred and eighty dollars (\$180.00) per annum.

Salary of one additional waiter second year, one hundred and eighty dollars (\$180.00).

Salary of one (1) porter, one hundred and eighty dollars (\$180.00) per annum.

Salary of one (1) dining-room servant, one hundred and eighty dollars (\$180.00) per annum.

Salaries of six (6) washer-women, each one hundred and forty-four dollars (\$144.00) per annum.

Salaries of two (2) additional washer-women second (2nd) year, each one hundred and forty-four dollars (\$144.00).

Salary of one (1) wagoner, two hundred and forty dollars (\$240.00) per annum.

Salary of one (1) night-watchman, two hundred and forty dollars (\$240.00) per annum.

Salary of one (1) baker, three hundred and sixty dollars (\$360.00) per annum.

Salary of one (1) dairyman, two hundred and forty dollars (\$240.00) per annum.

Salary of one (1) apothecary, three hundred and sixty dollars (\$360.00) per annum.

Office rent of Secretary and Treasurer, one hundred and fifty dollars (\$150.00) per annum.

Expenses and pay of Board of Trustees, three hundred dollars (\$300.00) per annum.

Postage and stationery, five hundred dollars (\$500.00).

To pay current expenses of each patient, including the board of all officers and employes who board at the Institution, the sum of one hundred and forty dollars (\$140.00) for each patient per annum; this item not to exceed the sum of thirty-five thousand dollars (\$35,000.00) for the first (1st) year, and not to exceed the sum of fifty-seven thousand and forty dollars (\$57,040.00) for the second (2nd) year.

SEC. 2. *Be it further enacted*, That no appropriation herein made for assistant physician second (2nd) year, additional engineer, additional fireman, four (4) additional male attendants, three (3) additional female attendants, one (1) additional cook, one (1) additional chamber-maid, one (1) additional waiter, two (2) additional washerwomen, or any other additional force named in this Act for second (2nd) year, or additional sum named as expense for inmates for second (2nd) year, shall be available unless the Asylum be so enlarged, and such number of inmates be added as to render the same necessary.

SEC. 3. That this Act take effect from and after the (1st) day of April, eighteen hundred and eighty-five (1885).

Approved April 1st, 1885.

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## ACT CXX.

### AN ACT to fix the salaries of County and Probate Judges.

#### SECTION.

1. Fixes the salaries of County and Probate Judges of following counties, viz :

Judge of Craighead county, \$800 per annum.

Judge of Cleveland county, \$500 per annum.

Judge of Howard county, \$600 per annum.

Judge of Jefferson county \$1,500 per annum.

Judge of Little River county, \$300 per annum.  
 Judge of Ashley county, \$600 per annum.  
 Judge of Monroe county, \$800 per annum.  
 Judge of Independence county, \$800 per annum.  
 Judge of Conway county, \$1,000 per annum.  
 Judge of Crawford county, \$600 per annum.  
 Judge of Lafayette county, \$600 per annum.  
 Judge of Woodruff county, \$600 per annum.  
 Judge of Baxter county, \$300 per annum.  
 Judge of St. Francis county, \$1,000 per annum.

All other county judges in this State the same salary as is now fixed by law.

2. Conflicting laws repealed and this Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the salaries of the County and Probate Judges of the several counties of the State of Arkansas shall be as follows:

For the county of Craighead, eight hundred dollars (\$800.00) per annum.

For the county of Cleveland, five hundred dollars (\$500.00) per annum.

For the county of Howard, six hundred dollars (\$600.00) per annum.

For the county of Jefferson, fifteen hundred dollars (\$1,500.00) per annum.

For the county of Little River, five hundred dollars (\$500.00) per annum.

For the county of Ashley, six hundred dollars (\$600.00) per annum.

For the county of Monroe, eight hundred dollars (\$800.00) per annum.

For the county of Independence, eight hundred dollars (\$800.00) per annum.

For the county of Conway, one thousand dollars (\$1,000.00) per annum.

For the county of Crawford, six hundred dollars (\$600.00) per annum.

For the county of Lafayette, six hundred dollars (\$600.00) per annum.

For the county of Woodruff, six hundred dollars (\$600.00) per annum.

For the county of Baxter, three hundred dollars (\$300.00) per annum.

For the county of St. Francis, one thousand dollars (\$1,000.00) per annum.

For the other counties of this State, the respective amounts as are now provided by law.

SEC. 2. That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved April 1st, 1885.

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### ACT CXXI.

An ACT to allow pay to Jurors and Witnesses in either County or Probate Courts.

SECTION.

1. Jurors in either County or Probate Courts allowed \$1.00 per day for services.
2. Witnesses allowed \$1.00 per day for attendance.
3. Conflicting laws repealed and this Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That jurors in either County or Probate Courts shall be allowed for their services, each, the sum of one dollar (\$1.00) for each day they may serve as such in either court, to be taxed as other costs and paid by the unsuccessful party.

SEC. 2. That witnesses, duly summoned, shall be allowed for their attendance as such, in either County or Probate Courts, the sum of one dollar (\$1.00) for each days attendance, in either court, to be taxed as other costs, and paid by the unsuccessful party.

SEC. 3. *Be it further enacted,* That all laws or parts of laws in

conflict with this Act be, and the same are hereby repealed, and that this Act take effect and be in force from and after its passage.

Approved April 1st, 1885.

## ACT CXXII.

AN ACT to amend section 3835 of Mansfield's Revised Statutes.

**SECTION.**

1. Amends sections 3835 of Mansfield's Digest, relating to Insurance Companies.
2. Act in full force and effect from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

**SECTION 1.** That section three thousand and eight hundred and thirty-five (3835) of Mansfield's Revised Statutes of Arkansas be amended so as to read as follows :

**Section 3835.** Any person or persons, or corporation, receiving premiums or forwarding applications, or in any other way transacting business for any Insurance Company or Association not of this State, without having received authority agreeably to the provisions of this Act, shall forfeit and pay to the school fund of the State the sum of five hundred dollars (\$500.00) for each month or fraction thereof during which such illegal business was transacted ; and any company, not of this State, doing business without authority, shall forfeit a like sum for every month or fraction thereof and be prohibited from doing business in this State, until such fines are fully paid ; and every such person, or persons, or corporation, shall also be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than five hundred dollars (\$500.00).

**SEC. 2.** That this Act take effect and be in force from and after its passage.

Approved April 1st, 1885.

## ACT CXXIII.

AN ACT to amend section four thousand six hundred and fourteen (4614) Chapter CIII (one hundred and three) Mansfield's Digest.

## SECTION

1. Amends section 4614 relating to marriage licenses.
2. Act in force from and after its passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That section four thousand six hundred and fourteen (4614) Chapter one hundred and three (CIII) of Mansfield's Digest be so amended as to read as follows: Any person applying for license to marry another may introduce the parent or guardian of himself or the other party, or the certificate of such parent or guardian duly attested to prove to the satisfaction of the clerk that the parties to such marriage are of lawful age, and in case the parties to such marriage (either or both) are not of lawful age it shall be the duty of the clerk before issuing the license to require the party applying therefor to produce satisfactory evidence of the consent and willingness of the parent or guardian of such party or parties to such marriage which shall consist in either verbal or written consent thereto, and if there be any doubts in the mind of the Clerk as to the evidence of the consent and willingness of the parent or guardian of the party or parties applying for the license, or if he is in doubt as to the true age or ages of the party or parties so making application, he may require the parties to make affidavit to the genuineness of the consent granted or to the correctness of the age or ages given and the affidavit so made shall be filed in his office for public inspection.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved April 1st, 1885.



ACT CXXIV.

AN ACT to more effectually punish crime.

SECTION.

1. Assault with intention to commit rape made penitentiary offence. Fixes penalty,
2. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. Whoever shall feloniously, willfully, and with malice aforethought, assault any female child under the age of puberty, with the intent to carnally know, or to unlawfully abuse such female child, shall, upon conviction thereof, be imprisoned in the penitentiary for a period not less than three (3) nor more than twenty-one (21) years.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved April 1, 1885.

ACT CXXV.

AN ACT to prevent the sale or giving away of intoxicants within three (3) miles of Belleville Academy in Yell County Arkansas.

SECTION.

1. Unlawful to sell or give away any spirituous, vinous, malt or medicated liquors, within three miles of Belleville Academy, in Yell County.
2. Penalty for violation of this Act.
3. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That hereafter it shall be unlawful for any person to sell or give away alcohol or any malt, fermented or intoxicating drinks, spirits or liquors of any kind, or any compound or preparation thereof called tonics, bitters or medicated liquors within three (3) miles of Belleville Academy situated on the south-east quarter of the north-east quarter of section nine (9)

in township five (5) north of range twenty-three (23) west in Yell county, Arkansas.

SEC. 2. Any person convicted of a violation of the provisions of this Act shall be punished by a fine, not less than twenty-five dollars (\$25.00).

SEC. 3. All laws in conflict with this Act are hereby repealed and this Act shall take effect and be in force from and after its passage.

Approved April 1st, 1885.

## ACT CXXVI.

AN ACT to provide for the support and maintainance of the Arkansas School for the Blind.

### SECTION.

1. Appropriates for the support of the Arkansas School for the Blind, for the two years ending March 31st, 1887, the following sums :

To pay salary of Superintendent, \$1,200 per annum.

To pay salary of Matron, \$500 per annum.

To pay salary of three Literary Teachers, each, \$400 per annum.

To pay salary of Music Teacher, \$1,000. per annum.

To pay salary of two Teachers of Handicraft, each, \$350 per annum.

To pay salary of Steward, \$100 per annum.

To pay salary of Physician, \$400 per annum.

To pay salary of Oculist, \$400 per annum.

To pay salary of Board Trustees, \$180 per annum.

To pay current expenses of each pupil, \$150 per annum—the whole appropriation not to exceed \$9,000 annually.

To pay for clothing and other personal expenses of each pupil, \$40 per annum—the whole appropriation not to exceed \$1,000 per annum.

2. Act to take effect and be in force from the 1st April, 1885.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the following sums are hereby appropriated out of any moneys in the Treasury not otherwise appropriated for the support and maintainance of the Arkansas School for the Blind for two (2) years beginning April first (1st) eighteen hundred and

eighty-five (1885) and ending March thirty-first (31st) eighteen hundred and eighty-seven, to-wit: To pay salaries the sum of six thousand three hundred and eighty dollars (\$6380.00) per annum, as follows: *Provided*, That Superintendent Patten and teacher Plowman be removed:

First. For the pay of Superintendent, one thousand two hundred dollars (\$1,200.00) per annum.

Second. For pay of matron, five hundred dollars (\$500.00) per annum.

Third. For the pay of three (3) literary teachers, each four hundred dollars (\$400.00) per annum.

Fourth. For the pay of head music teacher, non-resident, one thousand dollars (\$1000.00) per annum.

Fifth. For the pay of one (1) male and one (1) female teacher of handicraft, each, three hundred and fifty dollars (\$350.00) per annum.

Sixth. For the pay of Steward who shall also perform the duties of clerk, four hundred dollars (\$400.00) per annum.

Seventh. For the pay of attending physician, four hundred dollars (\$400.00) per annum.

Eighth. For the pay of oculist, four hundred dollars (\$400.00) per annum.

Ninth. For the pay of the Board of Trustees, one hundred and eighty dollars (\$180.00) per annum.

Tenth. For the current expenses of each pupil in attendance the sum of one hundred and fifty (\$150.00) dollars per annum payable in monthly installments not to exceed the sum of nine thousand dollars (\$9000.00) annually: *Provided*, That in case the parents or guardians of any pupil shall pay in whole or in part for the board and tuition of such pupil the amount so paid shall be deducted from the one hundred and fifty dollars (\$150.00) appropriated by the State.

Eleventh. To provide for the clothing and other personal expenses of indigent pupils to be refunded by their respective counties as provided for by law, not to exceed the sum of forty dollars (\$40.00) per pupil: *Provided*, That the whole amount appropriated for this

purpose shall not exceed the sum of one thousand dollars (\$1,000.00) per annum.

SEC. 2. That this Act take effect from and after the first (1st) day of April, one thousand eight hundred and eighty-five (1885).

Approved March 31st, 1885.

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## ACT CXXVII.

AN ACT to prevent deception in the sale and use of butter.

SECTION.

1. Prohibits the sale of adulterated butter except as provided in section.
2. Penalty for violation of this Act.
3. Hotels, inns, restaurants and boarding-houses using adulterated butter shall have same labelled.
4. Penalty for violation of provisions of section three.
5. The term "butter" defined.
6. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. Whoever shall sell any article, substance or compound made in imitation or semblance of butter, or as a substitute for butter, and not made exclusively or wholly of milk or cream, or containing any fats, oils, or grease not produced from milk or cream, shall have the words "adulterated butter" or if such substitute is a compound known as Oleomargarine or Butterine, or if it is known by any other name, the word "Oleomargarine," "Butterine" or such other name as shall properly describe it, shall be stamped, labelled or marked in printed letters of plain Roman type, not less than one (1) inch in length, so that said word or words cannot be easily defaced, upon the top and side of every tub, firkin, box, or package containing any of said article,

substance or compound; and in case of retail sales of any of said article, substance or compound, the seller shall attach, or cause to be attached, to each package so sold at retail, and deliver with said package to the purchaser, a label or wrapper, bearing in a conspicuous place upon the outside of said package the words "Adulterated Butter," or the word "Oleomargarine," "Butterine," or such other word or words as will correctly describe the article, substance or compound sold, as hereinbefore provided, in printed letters of plain Roman type, not less than one-half ( $\frac{1}{2}$ ) inch in length.

SEC. 2. Whoever shall sell or expose for sale, or has in his possession with intent to sell, any article, substance or compound made in imitation or semblance of butter, or as a substitute for butter, except as provided in section one (1) of this Act, and whoever shall deface, erase, cancel or remove any mark, stamp, brand, label or wrapper provided for by this Act, or change the contents of any box, tub, article or package, marked, stamped or labeled as aforesaid, with intent to deceive as to the contents of said box, tub, article or package, shall be guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

SEC. 3. If any hotel, inn, restaurant or boarding-house keeper shall set before his guest at any meal any of said article, substitute or compound, the dish or plate holding the same shall have clearly and indelibly marked on some prominent part thereof the words "Adulterated Butter," or the word "Oleomargarine," "Butterine," or such other word or words as may correctly describe the article, substance or compound, in said dish or plate.

SEC. 4. Whoever shall violate the provision of section three (3) of this Act shall be guilty of a misdemeanor and, on conviction, shall be fined in any sum not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00).

SEC. 5. The term "butter" shall be understood to mean the

product usually known by that name, which is manufactured exclusively from milk and cream.

SEC. 6. This Act shall take effect and be in force from and after its passage.

Approved April 2, 1885.

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### ACT CXXVIII.

AN ACT to ascertain and register the Outstanding Bonded Indebtedness of the State.

SECTION.

1. The Governor, Auditor, Treasurer and Attorney General constitute the State Debt Board.
- 2 and 3. Duties of Board.
4. Board shall make report to the next session of the General Assembly.
5. Act takes effect and force from passage, and conflicting laws repealed.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the Governor, Auditor, Treasurer and Attorney General be, and they are, hereby constituted the State Debt Board, whose duty it shall be to call in the outstanding bonds of the State and register the same in the manner hereinafter provided.

SEC. 2. Said Board shall as soon as practicable after the passage of this Act, issue a call for all the outstanding bonds of the State except such as belong to the United States Government and those on deposit in the State Treasury, requiring the holders thereof to present the same to said Board on or before a day to be designated therein, which shall not be less than six months from the date of the call for the purpose of examination and registration. Said call shall be published for a period of three (3) months in some daily paper in the city of Little Rock, and also in some daily paper in the city of New York.

SEC. 3. Upon the presentation of any of such bonds, said

Board shall carefully examine into the genuineness and legality of the same, and they shall register in a book, to be provided for that purpose, the name of the holder, the date of the bond, the Act under which issued, the date of maturity, the rate of interest and the amount, if any, paid on the same.

SEC. 4. Said Board shall make a full report to the next session of the General Assembly showing the result of their examination and registration of bonds as provided in the preceding section for its consideration.

SEC. 5. This Act shall take effect from and after its passage, and all Acts or parts of Acts in conflict herewith are hereby repealed.

Approved April 2nd, 1885.

## ACT CXXIX.

AN ACT to amend section fifty-five hundred and ninety (5590) of the Revised Statutes of Arkansas, 1884.

### SECTION.

1. Amends section 5590 of the Revised Statutes, relating to the tax on Sewing Machine Companies or their agents. Duties of Clerks of each county.
2. Persons not connected with companies may peddle sewing machines on payment of license.
3. Conflicting laws repealed and Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That section fifty-five hundred and ninety (5590), of the Revised Statutes of Arkansas, eighteen hundred and eighty-four (1884), be amended so as to read as follows: There shall be levied and collected as a State tax, upon each and every sewing machine company, or general agent for the sale of sewing machines, doing business in this State, for the term of one (1) year or less, the sum of two hundred dollars (\$200.00), to be paid into the State Treasury. *Provided, That any sewing ma-*

chine company or general sewing machine agent, who shall have paid said tax, may send his or their employes, or such agents, into any other county or counties than that in which his or their principal business may be carried on, upon payment of a county tax of five dollars (\$5.00) for each employee or sub-agent in each of such additional counties wherein such employee or sub-agent may be engaged in carrying on any part of his or their said business for the term of one (1) year or less. *Provided further,* That it shall be unlawful for the Clerk of any county to issue any license to any such employee or sub-agent, until he shall be satisfied from the receipt of the Treasurer of State that the said sewing machine company or general sewing machine agent had first paid the said State tax of two hundred dollars (\$200.00) into the State Treasury as aforesaid.

SEC. 2. That any person who is not in any manner connected with any sewing machine company as partner, shareholder or agent, and who is not under contract of any kind with such company, and who simply peddles sewing machines in his own right, may peddle the same by paying twenty-five dollars (\$25.00) county license.

SEC. 3. That all laws in conflict herewith are hereby repealed and this Act shall take effect and be in force from and after its passage.

Approved April 2nd, 1885.

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## ACT CXXX.

AN ACT to regulate the Letting, Leasing or Renting of Telephone Instruments in this State, and for other purposes

SECTION.

1. Fixes the maximum rate for the renting of Telephone Instruments by Patentees.
2. Patentees or Companies having lines in this State not required to rent or loan instruments to rival companies.
3. No company, corporation or person allowed to sue in courts of this State for a greater sum for rents, charges or fees, than is allowed in sections one and two of this Act.
4. Conflicting laws repealed and this Act in force from passage.



*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION. 1. That hereafter it shall be unlawful for any company, corporation or person doing business in this State as a Telephone Company, or as agent or patentee of any telephone instruments, appliances, attachments or fixtures, or doing business out of this State through agents in this State, to charge, demand, ask or receive of, or from any other company or corporation doing business, or to do business in this State, as a Telephone Company, a greater sum of money than four dollars (\$4.00) per month as rent for the use of each telephone instrument, with its attachments and appliances.

SEC. 2. *Be it further enacted,* That all companies, corporations, or persons having exclusive rights to sell or rent telephone or telephone instruments in this State, and doing business in this State, shall permit any other company or corporation organized under the laws of this State, for the purpose of transmitting telephonic messages, to use and rent the instruments, appliances and telephones belonging to or being under the control of said companies, at any sum not to exceed four dollars (\$4.00) per month for each instrument. *Provided,* That if such owners or patentees are owning and operating lines for the transmission of telephonic messages between the same points of transmission and reception of messages, they shall not be compelled to rent their said instruments to rival companies.

SEC. 3. That no company, corporation or person shall be permitted to maintain suit in any of the courts of this State for any charges, rents, fees or demands in excess of the rates of rental provided for in sections one (1) or two (2) of this Act.

SEC. 4. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed, and that this Act take effect from and after its passage.

Approved March 31st, 1885.

## ACT CXXXI.

AN ACT repealing all laws authorizing the issuance of State Scrip or Treasurer's or Auditor's certificates.

## SECTION.

1. Repeals laws authorizing the Auditor of State to issue certificates of indebtedness.
2. Repeals all laws authorizing the State Treasurer to issue scrip.
3. Authorizes the Auditor to draw warrants in certain cases.
4. Treasurer shall redeem warrants in order of date and number.
- 5 and 6. Other duties of Auditor and Treasurer.
7. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That sections one (1), two (2) and three (3), of an Act entitled "An Act to authorize the Treasurer of State to issue certificates or scrip," approved January twentieth (20th), eighteen hundred and seventy-five (1875), and so much of an Act numbered CXXXVIII, in the printed Acts of eighteen hundred and eighty-three (1883), which was approved on the tenth (10th) day of April, eighteen hundred and eighty-three (1883), as authorizes the further issue of Auditor's certificates shall be and the same are hereby repealed.

SEC. 2. That from and after the passage of this Act, it shall be unlawful for the Treasurer of State to issue new certificates, or scrip, upon warrants of the Auditor, and that all laws contrary to the provisions of this Act shall be, and the same are hereby repealed.

SEC. 3. That it shall be the duty of the Auditor of State, after the passage of this Act, when he shall have audited any claim and ascertained that fees are due any person under the provisions of said Act, numbered CXXXVIII, approved April tenth (10th), eighteen hundred and eighty-three (1883), to draw his warrant upon the Treasurer of State for the amount thereof, which shall be paid by the Treasurer out of the proper appropriation for such purposes.

SEC. 4. Whenever there shall not be in the treasury a sufficient amount of money to pay all the warrants of the Auditor outstanding at the time, the Treasurer of State shall redeem said warrants in the order of their dates and numbers as issued. *Provided*, that it shall be lawful for the Treasurer to pay any

Auditor's warrant when the amount of money in the Treasury is sufficient to redeem such warrant, as well also as all other warrants of ealier date and number preceding it.

SEC. 5. The Auditor and Treasurer of State are authorized and required to carry from and after the passage of this Act all the certificates of the Treasurer or Auditor mentioned in the first (1st) section of this Act, in their future accounts as "State Scrip." Said Auditor's certificates provided for in said Act of April tenth (10th), eighteen hundred and eighty-three (1883), shall not be again re-issued after redemption by the Treasurer, but they shall be registered, cancelled and destroyed in the same manner and in the presence of and after verification by the same officers or witnesses as provided for in regard to Treasurer's certificates or scrip, in said Act, approved January twentieth (20th), eighteen hundred and seventy-five (1875).

SEC. 6. That in all cases where the Treasurer of State has received heretofore, or shall hereafter receive any of said Auditor's certificates, provided for in said Act of April tenth (10th), eighteen hundred and eighty-three (1883), in payment for any Lunatic Asylum or school taxes, or into any fund into which the same are receivable, it shall be the duty of said Treasurer to transfer to the funds for which said Auditor's certificates were received, sufficient of the uncanceled Treasurer's scrip in his hands belonging to any of said funds to reimburse said funds for the amount of Auditor's certificates transterred therefrom, and the Auditor shall make upon his books all the necessary credits and charges to fully explain the transactions.

SEC. 7. That this Act shall take effect and be in force from and after its passage.

Approved April 3rd, 1885.

## ACT CXXXII.

AN ACT to regulate the admission of foreign surety companies to do business in this State.

## SECTION.

1. Surety companies incorporated under laws of any State other than this State may transact business in this State, as provided in this Act.
2. Shall appoint Auditor of State lawful attorney. Stipulation of power of attorney, &c.
3. When any process is served on Auditor he shall forward to company copy of same.
4. No company of less capital than \$250,000, or \$100,000 deposited with the Insurance Commissioner of the State in which it is incorporated can do business in this State, &c.
5. Agents made liable to the penalties and restrictions provided for in this Act.
6. Agents shall deposit with Auditor copy of charter of the company they represent.
7. Agents on commencing business shall file with Auditor statement of assets and liabilities of their companies.
8. Agents shall file statement of assets and liabilities in January of each year. Shall publish said statement in February following.
- 9 and 10. No person shall act as agent until requirements of this Act are fully complied with.
11. Auditor shall require agents to answer interrogatories under oath.
12. Agents guilty of misdemeanor for refusing or neglecting to answer interrogatories.
13. Auditor or a committee appointed by him may investigate affairs of any company. Other duties.
14. Auditor shall report to Attorney-General any violations of this Act.
15. Companies applying for license to transact business shall pay a fee of \$80.00, and for filing statement, \$20.00.
16. Conflicting laws repealed and Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That any surety company incorporated and organized under the laws of any State of the United States, other than the State of Arkansas, for the purpose of transacting business as surety on obligations of persons or corporations, may transact such business in this State upon complying with the provisions of this Act, and not otherwise.

SEC. 2. No surety company not incorporated under the authority of this State, shall directly or indirectly take risks, or transact business in this State until it shall have first appointed, in writing, the Auditor of Public Accounts of this State to be the true and lawful attorney of such company in and for this State, upon whom all lawful process in any action or proceeding against the company may be served with the same effect as if the company existed in this State. Said power of attorney shall stipulate and agree, on the part of the company, that any lawful process against the company which is served on said attorney, shall be of the same legal force and validity as if served on the

company, and that the authority shall continue in force so long as any liability remains outstanding against the company in this State. A certificate of such appointment, duly certified and authenticated, shall be filed in the office of the said Auditor, and copies certified by him shall be received in evidence in all the courts of this State. Service upon such attorney shall be deemed sufficient service upon the company.

SEC. 3. Whenever lawful process against a surety company shall be served upon the Auditor of Public Accounts, he shall forthwith forward a copy of the process served on him, by mail post-paid, and directed to the secretary of the company; for each copy of process the Auditor shall collect the sum of two dollars (\$2.00), which shall be paid by the plaintiff at the time of such service, the same to be recovered by him as part of the taxable costs, if he prevails in the suit.

SEC. 4. No person shall act within this State as agent or otherwise in procuring or securing applications for suretyship upon the bond of any person or corporation, or aid in transacting the business of such suretyship for any company incorporated or organized under the laws of any other State, unless such company is possessed of two hundred and fifty thousand dollars (\$250,000.00) capital, and unless such capital to the extent of one hundred thousand dollars (\$100,000.00) is invested in stocks created by the laws of the United States, or by or under the laws of the State in which such company is located, or in other safe stocks or securities, the value of which at the time of such deposit shall be at or above par, which investments are deposited with the Insurance Commissioner, Auditor, Comptroller, or chief financial officer of the State under whose laws such company is incorporated, and the Treasurer of this State is furnished with the certificate of such Insurance Commissioner, Auditor, Comptroller, or chief financial officer aforesaid, under his hand and official seal, that he, as such Insurance Commissioner, Auditor, Comptroller or chief financial officer of such State holds in trust and on deposit for the benefit of all obligees of such company, the surety before mentioned, which certificates

shall embrace the items of security so held, and shall state that he is satisfied that such securities are worth one hundred thousand dollars (\$100,000.00).

SEC. 5. Every person who shall so far represent any surety company established in any other State as to receive or transmit applications for suretyship, or to receive for delivery bonds founded on applications forwarded from this State, or otherwise to procure suretyship to be effected by such company upon the bonds of persons or corporations in this State, shall be deemed as acting as agent for said company, and shall be subject to the restrictions, and liable to the penalties herein made applicable to agents of such companies.

SEC. 6. Every such agent before transacting any business as aforesaid, shall deposit with the Auditor of Public Accounts a copy of the charter of the company or corporation for which he is agent as aforesaid, unless a copy thereof has already been deposited with such Auditor.

SEC. 7. Every such agent shall also, before transacting any business as aforesaid, deposit with the said Auditor a statement signed and sworn to by the president and secretary of the company for which he acts, stating the amount of its capital and the manner of its investments, designating the amount invested in mortgages, in public securities, in the stock of incorporated companies, stating what companies, and also the amount invested in other securities, particularizing each item of investment, the amount of existing bonds upon which such company is surety, stating what portion thereof is secured by the deposit with such company of collateral security, the amount of premium thereon, and the amount of liabilities, specifying therein the amount of outstanding claims adjusted or unadjusted, due or not due. *Provided, however,* that not more than one such statement need be filed on behalf of such company.

SEC. 8. Every such agent shall, in the month of January, annually, also deposit with the said Auditor a similar statement of the capital of the company which he represents, and the investments and risks as aforesaid, to be made up to the thirty-

first (31st) day of December next preceding, signed and sworn to as above directed, and the Auditor shall annually, in the month of February, publish an abstract of the statement filed in his office, as required by section nine (9) of this Act, and by this section, and the expense of publishing said abstract shall be paid by such companies. *Provided, however,* that not more than one (1) such statement need be filed by such company in any one year.

SEC. 9. No person shall act as agent as aforesaid for any such surety company in this State, unless the capital stock of the company which he represents amounts to the sum of two hundred and fifty thousand dollars (\$250,000.00), actually paid in money and invested exclusively of any obligations of the stockholders of any description.

SEC. 10. No person shall act as agent of any such surety company until such company and such agent shall have complied with all the requirements of the laws of this State relating to such companies and their agents, and every person acting without such compliance shall be deemed guilty of a misdemeanor, and, upon conviction be fined one thousand dollars (\$1000.00.)

SEC. 11. The Auditor of Public Accounts shall annually examine the statements and returns required to be made by the companies and agents as aforesaid, and if, in his opinion, any return shall be obscure, defective or unsatisfactory, he shall immediately require answers under oath from the agent by whom such obscure, defective or unsatisfactory return shall have been made to such interrogatories as he may deem necessary or proper to be answered in order to explain such return, and exhibit a full and accurate view of the business and resources of the company represented by such agent.

SEC. 12. Every agent who shall refuse or neglect to answer such interrogatories for the space of thirty (30) days, and continue to act as agent as aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction, be liable to the penalty prescribed in section ten (10) of this Act.

SEC. 13. The Auditor of Public Accounts, either personally or by a committee appointed by him, consisting of one (1) or more persons, not directors, officers or agents of any surety company doing business in this State, may at any time, examine into the affairs of any surety company incorporated by or doing business in this State. The officers or agents of such company shall exhibit its books to said Auditor or committee, and otherwise facilitate such examination, and the Auditor or committee may examine under oath the officers and agents of any such company in relation to its affairs; and said Auditor shall, if he deems it for the best so to do, publish the result of such investigation in one (1) or more newspapers published in the State. Whenever it shall appear to the said Auditor from the statement, or from an examination of the affairs of any surety company, not incorporated under the authority of this State, that such company is insolvent, or is conducting its business fraudulently, or refuses or neglects to comply with the laws of the State relating to surety companies, it shall be the duty of said Auditor to revoke the certificate of authority issued to the agent or agents of any such company, and he shall cause a notice thereof to be published in one (1) or more newspapers published in this State, and the agent or agents of such company, after such notice, shall transact no further business in this State. All the expenses of an examination made under the provisions of this section shall be paid to the Auditor by the company examined.

SEC. 14. The Auditor of Public Accounts shall report to the Attorney-General any violation of the provisions of this chapter which shall come to his knowledge and the Attorney-General shall institute the proper legal proceedings in the name of the State against any person violating any such provision.

SEC. 15. Every surety company not incorporated in this State, applying for admission to transact business therein, shall pay to the Auditor of Public Accounts, for the use of the State, for filing copy of its charter or deed of settlement, the sum of thirty dollars (\$30.00), for filing statement preliminary to admis-



sion, and for filing each annual statement after admission the sum of twenty dollars (\$20.00), and for each agent's certificate annually the sum of five dollars (\$5.00).

SEC. 16. All laws in conflict herewith are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved April 2, 1885.

ACT CXXXIII.

AN ACT to establish separate courts in Prairie County.

SECTION.

1. Divides Prairie county into two Judicial Districts, to be called Northern and Southern Districts. Describes dividing line.
2. Circuit, Chancery, Court of Common Pleas and Probate Courts continue to be held at Des Arc.
3. Town of DeValls' Bluff to be county seat of Southern District, where all courts are to be held same number of times as are held at Des Arc, etc.
4. Des Arc shall be county seat of the Northern District.
5. The two Districts to be as separate and distinct as if two counties.
6. A change of venue may be taken from one District to the other or to another county.
7. Judgments shall be liens only in District where obtained. Executions have same liens throughout county.
8. Citizens only liable to serve on juries in the District in which they reside.
9. Fixes time for holding Probate Courts in Southern District.
10. Probate Judge to be Judge of the court of Common Pleas—times for holding the court in Southern District.
11. Fixes time for holding Circuit Court in Southern District.
12. Suits in law or equity now pending shall remain for adjudication in the courts of the Northern District.
- 13 and 14. Courts in Northern District shall be held on the days now provided by law for them to be held.
- 15 to 17. Each District shall have exclusive jurisdiction in its own territory. The Sheriff, Clerk and Treasurer shall appoint deputies to reside at one or the other county sites.
18. Deputies shall give bond.
19. Clerk shall provide seal for courts of Southern District and provide all necessary books and records.
20. In all matters not specified in this Act the county remains an entire and undivided county.
21. All laws now in force and not inconsistent with this Act relating to institution of suits, civil or criminal, shall remain in full force.

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22. Clerk shall keep separate financial records of the two Districts.
23. Revenue accruing to each District shall be kept and used only for the District to which it properly belongs.
24. Treasurer shall give receipts specifying to which District money belongs.
25. County Judge shall direct Clerk to procure all necessary records for the Circuit Courts in Southern District.
26. All laws and parts of laws in conflict with this Act are repealed, and this Act in force from its passage.

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That the county of Prairie shall be divided into two (2) Judicial Districts, to be called the Northern District and the Southern District. All that portion of the county of Prairie lying north of the following described lines shall constitute the Northern District, and all lying south of said lines shall constitute the Southern District, to-wit: Beginning at the mouth of Bayou Wattensas, on the west side of White River, and running up said stream to where sections seventeen, eighteen, nineteen, and twenty (secs. 17, 18, 19 and 20) in township three (3), north range five (5), west corner, and from that point due west to the western boundary of the county, and on the east of White River, commencing at the mouth of Jackson's Bayou, where it empties into Cache River, then west with said Bayou to the centre of section twenty-three (23), in township three (3), north range four (4), west, and thence west on the half section line through sections twenty-two, twenty-one and twenty, (22, 21 and 20), to White River.

SEC. 2. That the Circuit, Chancery and Probate Courts and Courts of Common Pleas, in and for the Northern District of the county of Prairie, shall continue to be held at the county seat at Des Arc, as now provided by law, and there shall be no change in the style of the process and legal proceedings which shall be pending in said courts.

SEC. 3. That the Circuit, Chancery and Probate Courts, and Courts of Common Pleas of Prairie county, shall be holden the same number of sessions in the town of DeVall's Bluff, as by law said courts are holden now at the county seat of said county, and at such times as may be designated by law, and shall be called the Circuit Court and Probate Court and Court of Com-

mon Pleas of Prairie county for the Southern District; and the authority and territorial jurisdiction of said Circuit Court shall extend over the Southern District the same and in like manner as if said District was a constitutional county of this State; and said Circuit Court of Prairie county, for the Southern District, shall have original and exclusive jurisdiction of all such cases as are now by law vested in the Circuit Courts of this State, which have or may hereafter arise in the said Southern District: *Provided*, That no citizen or resident of the Northern District shall be liable to be sued in the said Southern District in any action whatever.

SEC. 4. That the Circuit Court of the county of Prairie, held at the county seat, shall have original and exclusive jurisdiction over the Northern District; and that from and after the passage of this Act, said court shall be styled the Circuit Court of the county of Prairie for the Northern District.

SEC. 5. That in order to ascertain in which of the respective Districts in said county actions cognizable in the Circuit Court shall be returnable and be tried, the said Districts, for all the purposes of this Act, shall be considered as separate and distinct counties, and the mode and place for trying suits shall be determined by the general law applicable to different counties, except that all process, civil, criminal, original, mesne and final, that may be issued from the Circuit Court of either District, shall run through the whole county, and have like effect as if the court where it issued were the only Circuit Court of said county: *Provided*, that no process, except subpoenas for witnesses, criminal process and executions issued by the Circuit Court of the Southern District, shall be served on any citizen or resident of the Northern District.

SEC. 6. That the Circuit Courts, hereby established in the respective Districts of Prairie county shall be as distinct from each other and have the same relation to each other as if they were Circuit Courts of different counties, and may change the venue of any case from one District to another, or to any other county in the Judicial Circuit, in like manner as changes of venue are granted in this State.

SEC. 7. That all judgments and decrees rendered in the Circuit Courts of the respective Districts shall be liens upon the real estate only in the District where such judgments and decrees are rendered, but executions in the hands of the Sheriff shall have the same lien and force throughout the entire county, as though but one court was held in said county; and all sales of real estate and other property made by the Sheriff, in accordance with the laws of this State regulating judicial sales, at the Court House door in the Southern District, shall be as lawful as if made at the Court House door of the county seat: *Provided*, That all sales made upon executions, decrees and orders of the courts of the Northern District shall be made at the Court House door of the county seat, at Des Arc, in the Northern District.

SEC. 8. That the citizens of Prairie county shall only be liable to serve on juries in the Districts in which they reside, but all persons may be subpoenaed in any portion of said county to attend either court, in like manner and with like effect, as is now provided by law to compel witnesses to attend any of the courts of this State.

SEC. 9. That the Judge of the Probate Court of Prairie county shall be the Judge of the Probate Court of the Southern District, and the Judge of said court shall hold the same at the Court House in the Southern District on the first (1st) Mondays in February, May, August and November in each year; and such Probate Court is hereby vested with original and exclusive jurisdiction within and for said Southern District of all such matters within said District, as are now by law vested in the Probate Courts of this State, and the same proceedings had in said court as are now had and transacted in other Probate Courts of this State.

SEC. 10. The Judge of the County and Probate Court of Prairie county shall also be the Judge of the Court of Common Pleas of the Southern District, and the Judge of said court shall hold the same at the Court House in the Southern District, on the second (2nd) Monday in February, May, August and November of each year; and such Court of Common Pleas is hereby

vested with such jurisdiction within and for said Southern District of all such matters within said District, as are now by law vested in Courts of Common Pleas of this State, and the same proceedings had in said court as are now had and transacted in other Courts of Common Pleas of this State.

SEC. 11. That until otherwise provided by law, the terms of the Circuit Court in the said Southern District shall be begun and holden on the third (3rd) Mondays of March and September of each year, and the terms of said court for the Northern District shall be begun and holden on the second (2nd) Monday after the third (3rd) Monday in February and August of each year, as now provided for by law: *Provided*, That the courts of neither of said Districts shall continue in session longer than two weeks.

SEC. 12. That all actions, either in law or equity, now pending in the Circuit Court, or Court of Common Pleas, or Probate Court of said County of Prairie shall remain for adjudication and trial in Circuit, Chancery, Court of Common Pleas or Probate Courts held in the Northern District: *Provided*, that when parties litigant or their attorneys in any civil or Probate matters, petition the court in which such suit or suits are pending, and showing in such petition that it would be to the interest of parties litigant to change the venue to the Southern District, the court shall cause such suit or suits to be transferred from the Northern to the Southern District, in which case it shall be the duty of the Clerk of the Court of the Northern District to make out a full and complete transcript of all the record entries and send the same, together with all the original papers in such cause filed in his office, to the Clerk's office in the Southern District, which transcript so made out shall be under the proper seal of such court and duly certified to by the Clerk, at the expense of the party applying for and obtaining such change of venue.

SEC. 13. That the Court of Common Pleas in the Northern District shall be holden at the same time as is by law now provided; and said Court of Common Pleas shall have jurisdiction of all matters pertaining to its jurisdiction within the territorial

limits of the Northern District, and said court shall be styled the Court of Common Pleas of the county of Prairie for the Northern District.

SEC. 14. That the Probate Court in the Northern District shall be holden at the same time as is by law now provided; and said Probate Court shall have jurisdiction of all matters pertaining to its jurisdiction within the territorial limits of the Northern District; and said court shall be styled the Probate Court of the County of Prairie for the Northern District.

SEC. 15. That all matters over which the Court of Common Pleas has jurisdiction, appertaining to that part of Prairie county within the Southern District and to persons and property resident and being therein, shall be subject to the jurisdiction of the Court of Common Pleas of the county of Prairie for the Southern District.

SEC. 16. That all matters of Probate jurisdiction, appertaining to that part of Prairie county within the Southern District, and to persons and property resident and being therein, shall be subject to the jurisdiction and examination of the Probate Court of the county of Prairie for the Southern District.

SEC. 17. That the Sheriff, Clerk, Treasurer, Probate Judge and Judge of the Court of Common Pleas of Prairie county, shall be the Sheriff, Clerk, Treasurer and Probate Judge and Judge of Court of Common Pleas of both the Northern and Southern Districts, and invested with all the ministerial and judicial and ex-officio powers in the respective Districts as such officers now are by law, and it is hereby made the respective duty of the Sheriff, Clerk and Treasurer of the said county of Prairie, by and with the approval of the presiding Judge of the County Court, to appoint a deputy, and each one of the above named officers shall reside in one of the said Districts and their deputies in the other.

SEC. 18. That the deputies of the Clerk, Sheriff and Treasurer shall execute to their principals, each, a bond in such sum as shall be named by the presiding Judge of the County Court of

Prairie county, and with good and sufficient security to be approved by said County Judge.

SEC. 19. That the Clerk of the Circuit Court of the county of Prairie shall keep one office in the town of DeVall's Bluff, in the Southern District, at which said Clerk or his deputy shall reside, in addition to the office now required by law to be kept at the county seat of said county. It shall be the duty of said Clerk to provide a seal for the Circuit Court of the county of Prairie for the Southern District, which shall be the seal of the Probate Court of the Southern District, and also of the Recorder, and to be in all respects and in like manner as the seal of the Circuit Court is now by law used in this State; he shall furnish all the necessary books and records now by law required to be kept in the offices of Clerks of the Circuit Courts, Courts of Common Pleas and Probate Courts and the Recorder's offices in this State, to be paid for by the County Court of Prairie county out of the revenue received from said Southern District, and it shall be the duty of said Clerk to record all deeds and other instruments in writing, now required by law to be recorded, which belong to the inhabitants, or property, or interests of any kind, of the Southern District in proper books of his office, in apt time and in like manner and for the same compensation as the said Clerks are now allowed for similar services, and all such records and entries as shall be made in said Clerk's office for the Southern District, shall have the same force and effect and be used in the same manner and the same faith and credit to be given to them as is due similar entries or transcripts made in the Clerk's offices of this State: *Provided*, that all other instruments in writing required to be recorded affecting property in the Northern District shall be recorded in the Northern District.

SEC. 20. That, as to all matters not in the provisions of this Act, the county of Prairie shall be one entire and undivided county. In all business done by said Clerk of Prairie county, he shall state in what District the same is done, and specify in what court his proceedings have relation to, and shall state the capacity in which he acts, as is now required by law. All pro-

cess issued by the Clerk of the Circuit Court of the county of Prairie shall be made returnable, according to existing laws, to the proper district, either for Circuit, Chancery or Common Pleas Court, disclosing in such process the time, place and court at which the parties to be served with such process are required to attend; and, in all cases not necessary for the purposes of this Act, the Clerk shall style himself the Clerk of the proper court or office of the county of Prairie, and not as Clerk of either District as herein provided for.

SEC. 21. That all laws now in force in this State, not inconsistent with this Act, for the government of Circuit Courts, Courts of Common Pleas and Probate Courts, county officers and the institution of suits in civil or criminal cases, the summoning, trying, impaneling and charging grand and petit jurors, and the general disposition of all business shall be the same as hereby declared to be in full force in the Southern District.

R-1901-136 SEC. 22. That the Clerk of the County Court of Prairie County shall keep two financial records, in one of which he shall keep a true and perfect record of the financial affairs of the Northern District, and in the other he shall keep a similar record for the Southern District. The financial affairs of each District shall be kept as separate and distinct as though the two District were separate and distinct counties.

R-1901-136 SEC. 23. That all revenue accruing to the county of Prairie from the sale of forfeited lands of the State and county, liquor and ferry license, and from all other sources whatsoever, shall be used for the exclusive benefit of the District in which such revenue may arise.

R-1901-136 SEC. 24. That in making deposits of county funds with the County Treasurer, the Sheriff and Collector shall take his receipts specifying to which District said funds belong.

SEC. 25. That it shall be the duty of the presiding Judge of the County Court, immediately after the passage of this Act, to order and direct the Clerk of the Circuit Court to procure all such records as are necessary for the transaction of all such busi-



ness in the Southern District of Prairie county as is in this Act specified.

SEC. 26. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed: *Provided*, This Act shall become void and inoperative on the locating or establishing of a county site for said county of Prairie within the territory designated in this Act as the Southern District under the provisions and regulations of existing laws; and that this Act take effect from and after its passage.

Approved April 3rd, 1885.

## ACT CXXXIV.

AN ACT to give Landlords a lien for advances made to tenants, and to make the sale or removal of crops subject to a lien a penal offence.

### SECTION.

1. Landlords shall have lien on crops for supplies, rent or money furnished by him. Lien shall have precedence over any mortgage or other conveyance.
2. Violation of this Act by tenants made misdemeanor and if convicted fined not less than \$10.00 and not more than \$500.00, or imprisonment in jail not more than ninety days.
3. Purchasers of or assignees, &c., of any part of crop shall not be held as innocent against lien of landlord.
4. Conflicting laws repealed and Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That in addition to the lien now given by law to landlords, if any landlord, to enable his tenant or employee to make and gather the crop shall advance such tenant or employee any necessary supplies, either of money, provisions, clothing, stock, or other necessary articles; such landlord shall have a lien upon the crop raised upon the premises for the value of such advances, which lien shall have preference over any mortgage or other conveyance of such crop made by such tenant or employee. Such lien may be enforced by an action of attachment before any court or Justice of the Peace having jurisdiction and the lien for advances and for rent may be joined and enforced in the same action.

SEC. 2. If any tenant or other person shall, with fraudulent intent sell, give, or otherwise dispose of such crop or any part thereof, or remove such crop or any part thereof from the county in which the premises are situated, or where such crop has been grown, without first satisfying the lien of the landlord for rent and advances, or without first obtaining the consent of the landlord to such sale, gift, disposition or removal, the person so selling, giving or otherwise disposing of such crop or any part thereof or removing such crop or any part thereof from the county, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten (\$10.00) nor more than five hundred dollars (\$500.00) or imprisonment in the county jail not more than ninety (90) days. *Provided,* That the provisions of this Act shall not apply to any person who shall retain a sufficiency to discharge the lien provided in this Act.

SEC. 3. That the purchaser or assignee of the receipt of any ginner, warehouse-holder or cotton factor or other bailee for any cotton, corn or other farm products in store or custody of such ginner, warehouseman, cotton factor, or other bailee shall not be held to be an innocent purchaser of any such produce against the lien of any landlord or laborer.

SEC. 4. That all laws and parts of laws in conflict with this Act, are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved April 6th, 1885.

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## ACT CXXXV.

AN ACT to require the construction and maintenance of Chutes or Aprons to facilitate the passage of Fish over dams and other obstructions in the streams of this State.

SECTION.

1. Persons having dams across any of the waters of this State required to have apron or chute for the passage of fish. Penalty for not complying with provisions of this section.
2. Act to be in force and effect from and after April 15th, 1885.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. Every person who shall erect or maintain, or cause to be erected or maintained, in or across any of the waters of this State, (unless said waters be wholly upon his own premises), any dam or other obstruction, no matter for what purpose and shall not place and maintain thereon an apron or chute not less than fourteen (14) feet wide and sloping from each side to the center, so that the center shall be at least six (6) inches lower than either edge and having an inclination of not more than forty-five (45°) degrees and so situated that the main current of water impeded in its natural flow by the dam or other obstruction shall pass over the same, or who shall not so construct or arrange such dam or other obstruction that it shall be lowest at the point where the apron or chute shall be placed and low enough for the free passage of fish over the same each way, whenever the stream in which the same shall be situated shall be swollen beyond its ordinary size, shall be guilty of a misdemeanor and shall be held guilty of a distinct offense each day he shall neglect or refuse to comply with this Act and upon conviction in any court of competent jurisdiction, he shall be fined in any sum not less than five (5) nor more than twenty dollars (\$20.00).

SEC. 2. That this Act shall take effect and remain in force from and after the fifteenth (15th) day of April, eighteen hundred and eighty-five (1885) and all laws in conflict herewith be and the same hereby repealed.

Approved April 6th, 1885.

## ACT CXXXVI.

AN ACT to establish a separate Court in Lincoln county.

### SECTION

1. Divides Lincoln county into two judicial Districts.
2. Circuit and Probate Courts for Varner District shall be held same number of terms in each year as are held at county seat.

3. Shall be no change in style of processes, pleadings, etc., by reason of the establishment of separate courts.
4. Venue shall be construed to apply only to the territory in which court shall have jurisdiction.
5. Districts shall be considered as separate counties.
6. All processes issued in either District shall run in whole county, except, &c.
7. Circuit Court in Varner shall be distinct, but change of venue may be taken to either District, or to another county.
8. Citizens shall be liable to serve on juries only in the District in which they reside. May be summoned as witness in either District.
9. Fixes times for holding Probate Courts in Varner District.
10. Fixes times for holding Circuit Courts in Varner District, &c.
11. All actions now pending shall be determined in courts now held at county seat.
12. Clerk, Sheriff and Treasurer shall appoint deputies who shall reside at one or the other county seats. Shall provide seals, books, and records for the Varner District.
13. In all things not required by this Act, Clerk shall style himself as Clerk of Lincoln county.
14. All laws in force for government of Circuit and Probate Courts declared in force in Varner District.
- 15 and 16. Varner District shall pay all expenses of its creation.
17. Conflicting laws repealed and this Act in force and effect sixty days from its passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That all that portion of Lincoln county now constituting Kimbrough, Choctaw, Wells Bayou and Auburn townships, and all that part of Bartholomew township lying on the left bank of Deep Bayou Bartholomew, below the mouth of Deep Bayou, also all such additional territory as may be added to Lincoln county east of the township of Auburn, Choctaw or Wells Bayou shall be erected into a separate Judicial District of Lincoln county, to be known as Varner District of Lincoln county.

SEC. 2. That the Circuit and Probate Courts of Lincoln county shall be holden the same number of terms at Varner station, in said Varner District, as are now holden at the county seat of said county, at such times as may be designated by law, and shall be called respectively, the Circuit and Probate Courts of Lincoln county for Varner District, and the authority and territorial jurisdiction of said court shall extend over the Varner District as above described, in the same manner as if said District was a separate county constitutionally created, and shall have jurisdiction of all cases and matters arising within and for said District in the same manner as they would if said District was a separate county.

SEC. 3. There shall be no change in the style of the process pleading or other proceedings in any of said courts, by reason of

the establishment of said separate courts, except that in all indictments for crimes or misdemeanors committed in said Varner District the venue shall be laid at the county of Lincoln in the Varner District thereof. And all process, pleadings and proceedings pertaining to suits, motions, or proceedings in said Varner District, in addition to the style of the court, shall contain the words "Varner District."

SEC. 4. That the Circuit and Probate Courts of Lincoln county, held at the county seat thereof, shall have jurisdiction over all parts of said county, except the Varner District aforesaid, and the style [of] process, pleadings, or proceedings therein shall not be changed or affected by the provisions of this Act, but the venue shall be construed to apply only to such territory as the said court shall have jurisdiction over.

SEC. 5. That to ascertain in which of said courts of said county any suits or proceedings shall be commenced, prosecuted or tried, the said Districts, for all purposes of this Act, shall be considered as if they were separate counties, and the place of such proceedings shall be determined by the general law applicable to counties, except as provided in the next section.

SEC. 6. That all process, civil, criminal, original, mesne or final, that may be issued from the courts held at either of said places in said county shall run through the whole county with like effect as if the court where it issued was the only Circuit Court in said county. Judgments and decrees rendered in the respective courts of said county shall be liens on the real estate of the defendants situated in said respective Districts only, but executions in the hands of the sheriff of said county shall have the same liens and force throughout the entire county as though but one court was held in said county. All sales of real or personal property required by law to be made at the courthouse door of said county, [shall be made at courthouse door of said county] shall be made at the courthouse door of said respective Districts, [as if said respective Districts] as if said Districts were separate counties.

SEC. 7. That the Circuit Court hereby established in said Varner District shall be distinct from the Circuit Court established by

law for the county of Lincoln and changes of venue from either of said courts to the other may be taken in the same manner and for the same causes as if said courts were held in separate counties.

SEC. 8. The citizens of Lincoln county shall only be liable to serve on juries in the Districts in which they reside, but all persons may be subpoenaed in any portion of said county to attend either court in the like manner and with the same effect as now provided by law to compel witnesses to attend any of the courts of this State.

SEC. 9. That the Judge of the Probate Court of Lincoln county shall be the Judge of the Probate Court of the District of Varner, and the Judge of said court shall hold the same at the courthouse in the District of Varner, on the first (1st) Monday of February, April, August and November in each year, and such Probate Court is hereby invested with original and exclusive jurisdiction, within and for said Varner District, of all such matters within said District as are now by law vested in Probate Courts of the State, and the same proceedings had in said court as are now had and transacted in other Probate Courts of this State.

SEC. 10. Until otherwise provided by law, the Circuit Court in and for said Varner District shall be begun and held on the first (1st) Monday of March and September of each year.

SEC. 11. That all actions, either in law or equity, now pending in the Circuit Court or Probate Court of said county of Lincoln, shall remain for adjudication and be tried in the courts at the county seat: *Provided*, the court may in any civil cause or probate matter, upon petition of the parties interested, transfer such cause or matter to the Varner District. In which case the clerk shall make a transcript of all proceedings and send the same with all the papers in the case or matter to the clerk's office in the Varner District, at the expense of the parties applying for the same.

SEC. 12. That the Sheriff, Clerk and Probate Judge of Lincoln county shall be the Sheriff, Clerk and Judge of the Probate Court of both of said Districts and invested with all the ministerial and judicial *ex-officio* power in the said District, as such officers are now by law in said county; and it is hereby made the respective duty of

the Sheriff and Clerk of the said county of Lincoln to keep an office in both said Districts, and each one of the above officers shall reside in one of said Districts and have a deputy in the other. It shall be the duty of said Clerk to provide a seal for the Circuit Court for the county of Lincoln for the Varner District, which shall be the seal of the Probate Court of said Varner District, and also the seal of the Recorder, and to be in all respects and in like manner as the seal of the Circuit Court, as is now by law used in this State. He shall furnish all necessary books and records now by law required to be kept in the offices of the Clerks of the Circuit and Probate Courts and Recorder's offices of this State. And it shall be the duty of the said Clerk to record all deeds and other instruments in writing required by law to be recorded affecting the property or interest of any kind in the Varner District in the proper books of his office in said District in the same manner as if said District was a separate county; and such records and entries as shall be made in said Clerk's office of the Varner District shall have the same force and effect and be used in the same manner, and the same faith and credit be given to them as is due similar entries or transcripts made in Clerk's offices in this State.

SEC. 13. That as to all business not required by this Act to the contrary, the Clerk shall style himself the Clerk of Lincoln county and not of any particular District.

SEC. 14. That all laws now in force for the government of the Circuit and Probate Courts, county officers, conduct of suits, summoning, impanneling and charging juries, and the general disposition of all business shall be and the same is hereby, declared to be in full force in the Varner District of Lincoln county.

SEC. 15. That the costs of books, records and other expenses of said Varner District shall be paid as the expenses of the other District of said county are paid.

SEC. 16. The said Varner District is to pay all of the expenses arising from its creation and the running of the courts therein, including necessary court buildings.

SEC. 17. That all laws and parts of laws in conflict with this

Act are hereby repealed, and this Act shall take effect and be in force from and after sixty (60) days from its passage.

Approved April 9, 1885.



PRIVATE ACTS.



# PRIVATE ACTS

OF THE

## GENERAL ASSEMBLY OF THE STATE OF ARKANSAS

*Passed at the Session held at the Capitol in the City of Little  
Rock, 1885.*

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### ACT I.

AN ACT for the relief of R. R. Poe, late Sheriff and Ex-Officio Collector of  
Van Buren County, Arkansas.

#### PREAMBLE.

#### SECTION.

1. Appropriates \$741.48 to reimburse R. R. Poe, late Sheriff of Van Buren county, for money stolen from him.
2. Act in force and effect from passage.

*Whereas*, In the year 1883, R. R. Poe, then Sheriff and Ex-Officio Collector of the State and County revenue of Van Buren county, Arkansas, having collected certain moneys of the revenue of the State, placed the same in a certain iron safe, in the town of Clinton, in Van Buren county, which said safe had been provided and designated by the County Court as the repository of the county funds, and which was considered both fire-proof and burglar proof; and

*Whereas*, On the night of June 5th, 1883, the said safe was broken open and robbed by burglars of the sum of seven hundred and forty-one (\$741.00) dollars in U. S. currency, belonging to the revenue of the State of Arkansas; and

*Whereas*, The said robbery and loss was entirely without fault or negligence on the part of said R. R. Poe, who has since, largely at his own expense, pursued and captured two of the parties engaged

in the robbery, one of whom has been convicted and sentenced to the penitentiary, and the other, an escaped convict, has been returned to the penitentiary; and

*Whereas*, The said R. R. Poe, as Sheriff and Collector as aforesaid, not having an opportunity to apply for relief to the General Assembly, did on the 1st day of September, 1883, pay into the State Treasury, the said sum of \$741.48 so stolen, as aforesaid, without his fault or negligence; therefore,

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That R. R. Poe, late Sheriff and Collector as aforesaid, be, and he is hereby allowed the sum of seven hundred and forty-one dollars and forty-eight cents, to repay and reimburse him for the amount paid, as aforesaid, into the State Treasury, and the said sum of seven hundred and forty-one dollars and forty-eight cents is hereby appropriated for that purpose, out of any money in the Treasury not otherwise appropriated. The Auditor is directed to draw his warrant in favor of said R. R. Poe, for the said sum upon the Treasurer.

SEC. 2. That this Act be in force from and after its passage.

Approved January 29th, 1885.

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## ACT II.

AN ACT to appropriate the sum of one hundred and seventy-five dollars to pay the Burial Expenses of the Late Hon. W. M. Davidson, of Sharp County.

SECTION.

1. Appropriates \$175.00 to defray the expense of burial of Hon. W. M. Davidson.
2. Act in force from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the sum of one hundred and seventy-five dollars (\$175.00) be, and the same is, hereby appropriated out of any

money in the State Treasury not otherwise appropriated, for the purpose of defraying the burial expenses of the late Hon. W. M. Davidson of Sharp county.

SEC. 2. That this Act take effect and be in force from and after its passage.

Approved February 3d, 1885.

### ACT III.

AN ACT to compensate James H. Paschal for monies paid for repairs on the Warden's House at the Penitentiary.

#### PREAMBLE.

#### SECTION.

1. Appropriates \$131.47 to reimburse James H. Paschal for moneys paid out for repairs at Penitentiary.

*Whereas*, James H. Paschal has paid out and expended the sum of one hundred and thirty-one dollars and forty-seven cents (\$131.47) in and about the repairing of the Warden's or Keeper's house at the State Penitentiary for which he has received no compensation, therefore :

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That James H. Paschal be and he is hereby allowed the sum of one hundred and thirty-one dollars and forty-seven cents (\$131.47) in full compensation for moneys paid out by him for repairs on the Warden's house at the State Penitentiary, and that the sum of one hundred and thirty-one dollars and forty-seven cents (\$131.47) be, and the same is, hereby appropriated for that purpose. The Auditor is hereby directed to draw his warrant in favor of said Paschal, for said sum, upon the Treasurer.

Approved February 24th, 1885.

## ACT IV.

AN ACT for the relief of H. W. Rogers as Sheriff and Ex-Officio Collector of Dorsey county, Arkansas, and the sureties on his official bond.

## PREAMBLE.

## SECTION.

1. Relieves H. W. Rogers and his sureties of all penalties, damages and costs, etc.
2. Act in force from passage.

*Whereas*, H. W. Rogers, Sheriff and Ex-Officio Collector of the State and County revenue for Dorsey county, Arkansas, for the year eighteen hundred and eighty (1880) did; on the eighth (8th) day of March, eighteen hundred and eighty-one (1881), execute his bond as such Collector, with E. P. Marks, B. W. Graves, W. D. Hagin, T. A. Wilson, J. H. Bridges, A. V. Barnett, A. D. Rogers, J. L. V. Fritz, W. T. Hollis, James Word, M. S. Hamilton, J. J. Randolph, J. P. Murdock, J. E. Whitehead, G. M. Marks, Wm. Boyd, E. L. McMurtry, W. H. Wilson, G. M. Johnson, John W. Reed, J. S. Wilson, Wm. Trucks, E. H. Green, and J. S. Thomas, as his sureties thereon; and,

*Whereas*, As he collected the State and County revenue, for the year aforesaid, he deposited the same in a fire-proof safe which was provided by an order of the County Court for that purpose, and kept in his office at Toledo, the county site; and

*Whereas*, On the night of the ninth (9th) day of April, eighteen hundred and eighty-one (1881), there was deposited in said safe the following sums of money and scrip, to-wit:

United States currency, belonging to the State, one thousand, one hundred and fifty-one dollars and twelve cents (\$1,151.12).

United States currency, belonging to the county, five hundred and ninety dollars and ninety-two cents (\$590.92).

United States currency belonging to the School Fund, five hundred and thirty-five dollars and eighty-five cents (\$535.85).

State scrip, belonging to the State, fifty-nine dollars and ninety-two cents (\$59.92).

State scrip, belonging to the School Fund, seven hundred and eleven dollars and eight cents (\$711.08).

State scrip, belonging to the School Districts, two hundred and fourteen dollars and one cent (\$214.01).

County scrip, belonging to the county, two thousand, two hundred and eighty-two dollars and fifty-three cents (\$2,282.53); and,

*Whereas*, On that night the said safe was opened by burglars, who stole, abstracted and took away from the same all of the money and scrip above described; therefore,

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the said H. W. Rogers and his sureties be, and they are, hereby relieved from the payment to the Treasurer of the State of Arkansas, and the Treasurer of Dorsey County, of the said sums of money and scrip, or any damages, penalties, interest or costs which may have accrued thereon.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved, March 5th, 1885.

## ACT V.

AN ACT to provide for payment of U. M. Rose for legal services.

### PREAMBLE.

### SECTION.

1. Appropriates \$5,000 to pay U. M. Rose for services as Attorney for the State.
2. Act in force from passage.

*Whereas*, U. M. Rose was employed by the Governor of the State to attend, on behalf of the State, to two suits brought in the Pulaski Chancery Court and afterwards taken by appeal and writs of error to the Supreme Court of the State, and to the Supreme Court of the United States, involving the question of the liability of various railroads in this State to taxation, and said services have been, by him, faithfully performed; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of*

*Arkansas:* That said U. M. Rose be, and he is, hereby allowed the sum of five thousand (\$5,000.00) dollars in full compensation for his professional services in the cases of the St. Louis, Iron Mountain and Southern Railway Company against James H. Berry, *et al.*, as the State Board of Railroad Commissioners; and of the Memphis and Little Rock Railroad Company, as re-organized, against the same defendants. And the said sum of five thousand (\$5,000.00) dollars is hereby appropriated for that purpose. The Auditor of State is directed to draw his warrant in favor of said U. M. Rose for the said sum upon the Treasurer.

SEC. 2. This Act to be in force from and after its passage.

Approved March 13th, 1885.

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## ACT VI.

AN ACT for the relief of the widow of the Late Chief-Justice of the State,  
E. H. English.

### PREAMBLE.

#### SECTION.

1. Authorizes the Auditor to draw warrant for \$625.00 in favor of Mrs. Susan R. English, widow of the late Judge E. H. English.

*Whereas*, The Late Chief-Justice of the State, the Hon. E. H. English, died on the first (1st) day of September, eighteen hundred and eighty-four (1884), in the midst of arduous labors in the service of the State, which had occupied the best years of his life; and,

*Whereas*, His successor was not elected and qualified until the seventeenth (17th) day of November, following, and there remains undrawn in the hands of the Treasurer the salary, which would have accrued to him in the interval, amounting to the sum of six hundred and twenty-five dollars (\$625.00); and,

*Whereas*, It is deemed fitting that some testimonial be made of the general expression of respect and esteem which the whole people of the State entertain for the memory of an old, a long tried



public servant, who was true throughout to the people and their interests ; therefore,

*Be it enacted by the General Assembly of the State of Arkansas :*

That the Auditor of the State be, and is hereby, authorized and directed to draw a warrant upon the Treasurer in favor of Susan A. English, the widow of Hon. E. H. English, for the sum of six hundred and twenty-five dollars (\$625.00), being amount of his salary which would have accrued to him, if living, from the first (1st) day of September to the sixteenth (16th) day of November, eighteen hundred and eighty-four (1884), to be paid out of any amounts which have been, or may be, appropriated for the expenses of the Judiciary Department of the State.

Approved March 27th, 1885.

## ACT VII.

AN ACT for the relief of F. P. Galbreath, Collector of Benton County, and his Sureties.

### PREAMBLE.

### SECTION.

1. Makes provision for the relief of F. P. Galbreath, Collector of Benton County, and his sureties.
2. Act in force from passage.

*Whereas*, F. P. Galbreath, Collector of Benton county, Arkansas, while collecting the revenue for the year eighteen hundred and eighty-four (1884), used the bank of S. D. McReynolds, at Bentonville, Arkansas, as a place of deposit, until said revenue could be properly paid over to the State Treasurer ; and,

*Whereas*, The said S. D. McReynolds failed on the twenty-second (22nd) of January, eighteen hundred and eighty-five (1885), and has made an assignment for the benefit of his creditors ; and,

*Whereas*, Said F. P. Galbreath had placed in said bank fourteen thousand dollars (\$14,000) belonging to the State of Arkansas, as Collector of Benton county ; therefore,

*Be it enacted by the General Assembly of the State of Arkansas :*

SECTION 1. That F. P. Galbreaith, Collector of Benton county and his sureties on his official bond, viz: J. M. Hobbs, E. J. A. Dickson, L. P. Smart, W. W. Thomason, W. D. Dedman, M. Harman, Willie Tinnin, D. H. Jackson, N. S. Jackson, T. A. Woods, Andrew Jackson, B. F. Sikes and Joshua Huffman may execute to the State of Arkansas, in a legal and proper form, two (2) joint and several notes: one (1) for five thousand dollars (\$5,000.00), due in one (1) year from the first (1st) day of June, eighteen hundred and eighty-five (1885), and one (1) for nine thousand dollars (\$9,000.00) due in two (2) years from the first (1st) day of June, eighteen hundred and eighty-five (1885), and the Treasurer of State is hereby authorized to receive said notes, if found correctly drawn, in lieu of the said fourteen thousand dollars (\$14,000.00), at the next settlement of said F. P. Galbreaith, as Collector of Benton county: *Provided*, that no penalty or cost shall be charged against F. P. Galbreaith, or his sureties except upon the default of the payment of said notes.

SEC. 2. That this Act shall take effect and be in force from and after its passage.

Approved March 28th, 1885.

# JOINT RESOLUTIONS.



# JOINT RESOLUTIONS

OF THE

## GENERAL ASSEMBLY OF THE STATE OF ARKANSAS,

*Passed at the Session held at the Capitol, in the City of Little  
Rock, 1885.*

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### NO. I.

*Whereas*, There are about two million, five hundred thousand (2,500,000) acres of valuable lands situated in the north-east portion of this State, known as "the Sunk Lands of the St. Francis;" and,

*Whereas*, The said lands are susceptible of reclamation, and when reclaimed will open up for settlement and cultivation a large body of the richest agricultural lands in the world, capable of producing all the cereals grown in the temperate zone, fruits of semi-tropical countries, cotton, sweet and Irish potatoes and other vegetables; and,

*Whereas*, The removal of the obstructions from the channel of the St. Francis river up to the crossing of the Texas and St. Louis Railway at the town of St. Francis, in Clay county, will not only greatly facilitate the navigation of said river, but will at the same time do much towards the reclamation of the said lands; therefore,

*Be it resolved by the General Assembly of the State of Arkansas:*

That our Senators in Congress be instructed and our Representatives be requested to use their efforts to secure an appro-

priation by Congress to clean out the channel of the said St. Francis river from Old Town in Craighead county to the crossing of the Texas and St. Louis Railway, in Clay county.

Approved March 23rd, 1885.

# CONCURRENT RESOLUTIONS.





CONCURRENT RESOLUTIONS  
OF THE  
GENERAL ASSEMBLY OF THE STATE OF ARKANSAS,

*Passed at the Session held at the Capitol, in the City of Little  
Rock, 1885.*

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NO. I.

*Resolved by the Senate, the House of Representatives concurring  
herein:*

That a joint committee of five, two from the Senate and three from the House of Representatives, be appointed to examine the books and vouchers of the offices of the Auditor and Treasurer of State, to be appointed respectively by the President of the Senate and the Speaker of the House of Representatives, and that each part of said committee may employ one clerk at a salary of \$5.00 per day, to be paid for as contingent expenses of the General Assembly, out of the appropriation to pay per diem, mileage and contingent expenses of members of the General Assembly.

Approved January 22nd, 1885.

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NO. II.

*Resolved by the House of Representatives, the Senate concurring  
therein:*

That a committee of five (5) members of the House, and two (2) from the Senate, be appointed to visit the Arkansas Indus-

trial University and examine into its condition, management and efficiency and report the same to this House with such recommendations as the committee may deem proper.

Approved February 2nd, 1885.

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NO. III.

*Resolved by the Senate and House of Representatives of the State of Arkansas :*

That a joint committee of the Senate and House of Representatives, to be composed of two Senators, to be appointed by the President of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House, be organized for the purpose of inquiring as to what repairs and additional furniture are needed in and about the Capitol building, and that they report the same, with the probable cost thereof, and any such matters connected with the subject as the committee may think proper. Said committee shall, also, report a proper bill for the making of said repairs and for such additional furniture, if they shall deem any legislation on the subject expedient. Said committee shall have power in their investigation to have a suitable examination of the building made by a competent architect, in order to ascertain the present condition of the building, and the extent and cost of said repairs.

Approved February 3rd, 1885.

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NO. IV.

*Resolved by the House, the Senate concurring therein :*

That the joint committee appointed to visit the Arkansas Industrial University, are authorized to send for persons and papers, administer oaths and take testimony.

Approved February 9th, 1885.

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NO. V.

*Resolved by the Senate and House of Representatives of the State of Arkansas :*

That the United States Senators of the State of Arkansas be, and they are hereby instructed, and its members in Congress requested, to use their influence to secure Congressional action at this session of Congress which will authorize the President of the United States to open negotiations with the Creeks, Seminoles and Cherokees, for the purpose of opening to settlement, under the homestead law, the unoccupied lands in the Indian Territory ceded by them, respectively to the United States, by the several treaties of August 11th, 1866, March 21st, 1866, and July 19th, 1866.

Approved February 17th, 1885.

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NO. VI.

*Whereas, For several years last passed we have witnessed the great and rapidly increasing volume of business in our Federal*

courts from our State courts, under the laws of Congress authorizing [the] removal of causes from the latter to the former, and, under such circumstances, it is a great satisfaction for us to express our confidence and firm belief in the great learning, undoubted integrity and evident impartiality of our Federal Judiciary (particularly those in this State with whom we are best acquainted); but, at the same time, we realize that the people of this State endure many hardships destructive to the protection and security of their persons and property. Under the Act of Congress of March the 3rd, 1875, a vast number of cases are daily transferred from our State courts to the Federal courts; in this way parties to suits are brought a great distance, frequently one or two hundred miles from their homes, to attend a court that, in its practice and procedure, and often in substance, is at variance, more or less, with those to which they have been accustomed; they are thrown among strangers; they are unacquainted with those from whom the juries are selected; are at great additional expense attending a court so far from their homes and in procuring attendance of witnesses and other evidence; these and many other matters that might be enumerated, are in violation (among others) of those common law principles intended to secure to every one the right to obtain justice freely and without delay, and without unusual cost and charges, and in his own vicinage or county. And in many, if not most, instances these transferred cases are a great and expensive hindrance in the enforcement and protection of rights, unnecessarily burdensome, and amount to little less than a denial of justice. That whilst we recognize that the Federal Judiciary should have full authority and jurisdiction to administer all Federal laws, and that Federal laws should be given all the recognition they are entitled to, and as they existed prior to the passage of said Act of Congress of the 3rd of March, 1875, we believe this should be the measure of their jurisdiction, especially when it is well known that an immense increase of jurisdiction in said Federal courts will necessarily be conferred by regulation of inter-state commerce and other Congressional

legislation in the near future. In fact, we submit that, in so far as the jurisdiction of the Federal courts was ever based on citizenship of different States, a [or] foreign prejudice, the same, though warranted by the Constitution, is not well founded, and we doubt the necessity of any Act of Congress based thereon. But, at all events, believing beyond question that all increased jurisdiction conferred on Federal courts by said Act of Congress of 3rd of March, 1875, is a great burden to the great body of the people of all the respective States of this Union, is not necessary to the due administration of justice; is a great stride in the direction of destroying local self-government; is not founded on principles that will stand the test of reason; amounts to a deprivation of rights of person and property long established, and tends to centralization of power in the national government, therefore:

*Be it Resolved by the Senate of the State of Arkansas, the House of Representatives concurring therein :*

That our Senators in the Congress of the United States be instructed and our Representatives be requested to endeavor to procure the repeal of the said Act of Congress of the 3rd of March, 1875, and restore the right to remove causes from the State to the Federal courts to such cases only as were removable before and at the time of the passage of said Act of 1875, or, at least to so modify said Act of 1875, as to admit only of the removal of such causes as were remarkable up to the passage of said Act, and to cases in law or equity arising under the Constitution and laws of the United States and treaties made, or which shall be made, under their authority; and for our Senators and Representatives to endeavor to procure the enactment of all such other and proper laws by Congress as will tend to remedy the evils recited in the preamble hereto.

*Resolved further,* That a copy of the foregoing preamble and resolution be transmitted, without delay, to each of our Senators and Representatives in Congress.

Approved February 24th, 1885.

## NO. VII.

*Be it Resolved by the House of Representatives, the Senate concurring therein :*

That the Treasurer of State be, and he is, hereby requested to at once inform, by written response, the two Houses of the General Assembly, why it is that he has not prepared a statement of the scrip, Treasurer's certificates, warrants and other securities that are now in the Treasury and borne upon his accounts as funds on hand, and submitted the same to the Governor of the State, that he might assemble the board provided by section (1) one of an Act approved May 24th, 1874, entitled an Act to provide for the cancellation of State Scrip and the destruction of the same, for the purpose of examination of such funds borne on hand and destruction of the same.

Approved March 3rd, 1885.

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## NO VIII..

*Whereas*, The channel of the Mississippi river was established as the boundary line in the organic Act creating the State of Arkansas and the States of Tennessee and Mississippi; and,

*Whereas*, Large tracts of territory have been transposed from one side of said Mississippi river to the other, whereby such change of territory by Cut-offs of said river has deprived either State of its just revenue in the collection of taxes in those districts of doubtful jurisdiction, and afforded an asylum and safe retreat for fugitives from justice from every portion of the United States; therefore,

*Be it Resolved by the General Assembly of the State of Arkansas :*

That our Senators and Representatives in Congress be requested to urge such legislation as will re-establish the channel of the said

Mississippi river as it now exists, as the natural boundary between the State of Arkansas on the west and the State of Tennessee and the State of Mississippi on the east side of said Mississippi river.

Approved March 7th, 1885.

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NO. IX.

*Whereas*, There are numerous bills before this Assembly proposing amendments to the Constitution, only three (3) of which can be submitted at one election ;

*Therefore*, Resolved that a joint committee consisting of three (3) members from each House be appointed by their respective presiding officers, and that it shall be the duty of such committee to examine and compare such proposed amendments, and recommend the ones (not more than three) which in their opinion are of the greatest importance to the people of the State. That the Senate be requested to concur herein.

Approved March 24th, 1885.

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NO. X.

*Resolved by the House of Representatives, the Senate concurring herein :*

That at twelve o'clock, M., this day, (March the seventeenth (17th) eighteen hundred and eighty-five (1885) ), each of the respective Houses of the General Assembly proceed to the election of a Senator to fill the vacancy in the Senate of the United States, caused by the appointment of the Hon. A. H. Garland to the office

of Attorney-General of the United States and his acceptance of said office; and that each of the respective Houses take one vote for Senator.

Approved March 23rd, 1885.

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NO. XI.

*Resolved by the Senate, the House of Representatives concurring therein:*

That it is the sense of the General Assembly of the State of Arkansas,

*Whereas*, The management of the Arkansas Industrial University is unsatisfactory, that the Board of Trustees for the Industrial University be hereby requested to lower the course of study in the Collegiate Department to its former standard; to give enlarged powers to the President and hold him responsible for the management; to re-organize the faculty, retaining the present President, and to keep the faculty reduced to the number required to meet the necessity according to the number of pupils in the Collegiate Department.

Approved April 1st, 1885.



# JOINT MEMORIALS.



JOINT MEMORIALS  
OF THE  
GENERAL ASSEMBLY OF THE STATE OF ARKANSAS,  
*Passed at the Session held at the Capitol, in the City of Little  
Rock, 1885.*

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NO. I.

*To the Honorable Senate and House of Representatives of the United  
States of America in Congress assembled :*

Your memorialist[s] the General Assembly of the State of Arkansas, now in session, would respectfully urge upon your honorable body the passage of a law, relieving the Government lands of the  
• State of Arkansas from the operation of the mineral laws of the United States, and your memorialists will ever pray, etc.

Approved March 3rd, 1885.

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NO. II.

*Be it resolved by the General Assembly of the State of Arkansas :*

That our Senators be instructed and Representatives in Congress be requested to use their influence in having the Cotton Tax, about sixty-seven million dollars (\$67,000,000.00) distributed to the several States from which it was collected, according to the number

of bales of cotton produced in each State during the year the tax was collected.

Second. That said fund, so apportioned, shall be paid to the Treasurers of the respective States from which it was collected, and the same placed to the credit of the Common School Fund.

Third. That copies of these resolutions be forwarded to our Senators and Representatives in Congress by the Secretary of State.

Approved March 25th, 1885.

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### NO. III.

*To the Honorable Senate and House of Representatives of the United States of America :*

Your memorialists, the General Assembly of the State of Arkansas, would respectfully show to your honorable body that the eastern counties of Missouri, south of New Madrid, and the eastern counties of Arkansas, are subject to the most disastrous overflows from the Mississippi river, on account of which the sandbars readily form and obstruct the navigation of the river, and in many places render the river at low stages of water dangerous to navigation and cause the river to overflow all the open and valuable lands in said counties, so as to make them almost uninhabitable. By repairing and rebuilding the levees in said counties, the navigation and current of the river will be greatly improved, and the fertile lands of said counties made valuable, and the surplus tax thus secured by a good system of levees will more than compensate the General and State Governments for such outlay. This is no unreasonable request on the part of the citizens of said counties, as the military forces of the General Government thought it a military necessity to cut and destroy much of these levees in eighteen hundred and sixty-two (1862) in said counties. The citizens of said counties have become generally and greatly poorer, on account of said overflows, and have been

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wholly unable to have said levees rebuilt or repaired; wherefore, they pray your honorable body to make an appropriation to improve the navigation of said river, and to build said levees, and to do all in your power to advance and hasten such improvements.

Approved March 24th, 1885.

## CERTIFICATE.

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OFFICE OF SECRETARY OF STATE,  
LITTLE ROCK, ARKANSAS, April 20th, 1885.

I certify that the foregoing printed public and private Acts, Joint and Concurrent Resolutions and Memorial are true copies, respectively, of the original rolls on file in this office, with the exception of the words in brackets, thus: [ ], inserted to correct obvious errors.

E. B. MOORE,  
*Secretary of State.*

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AND

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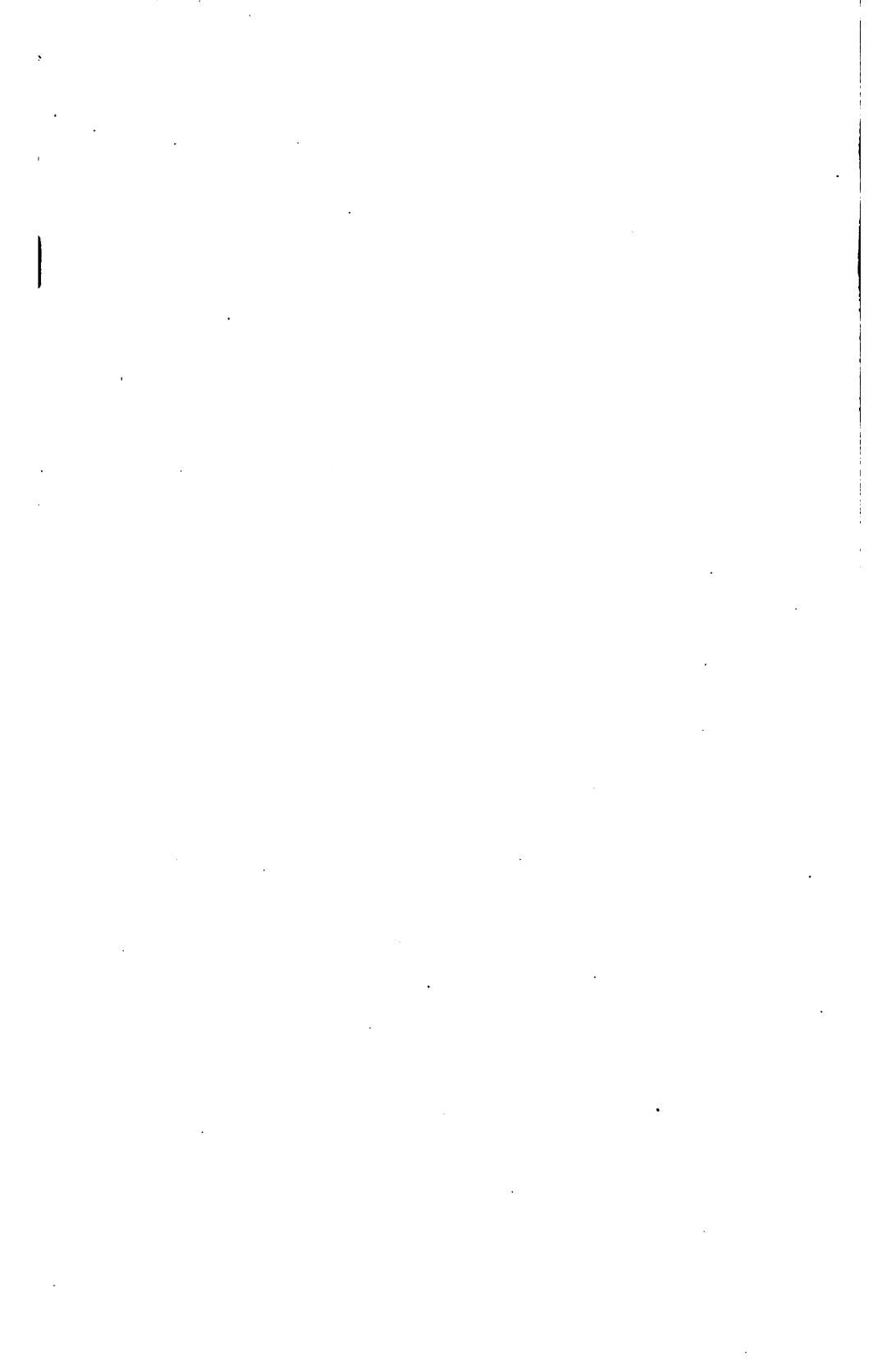
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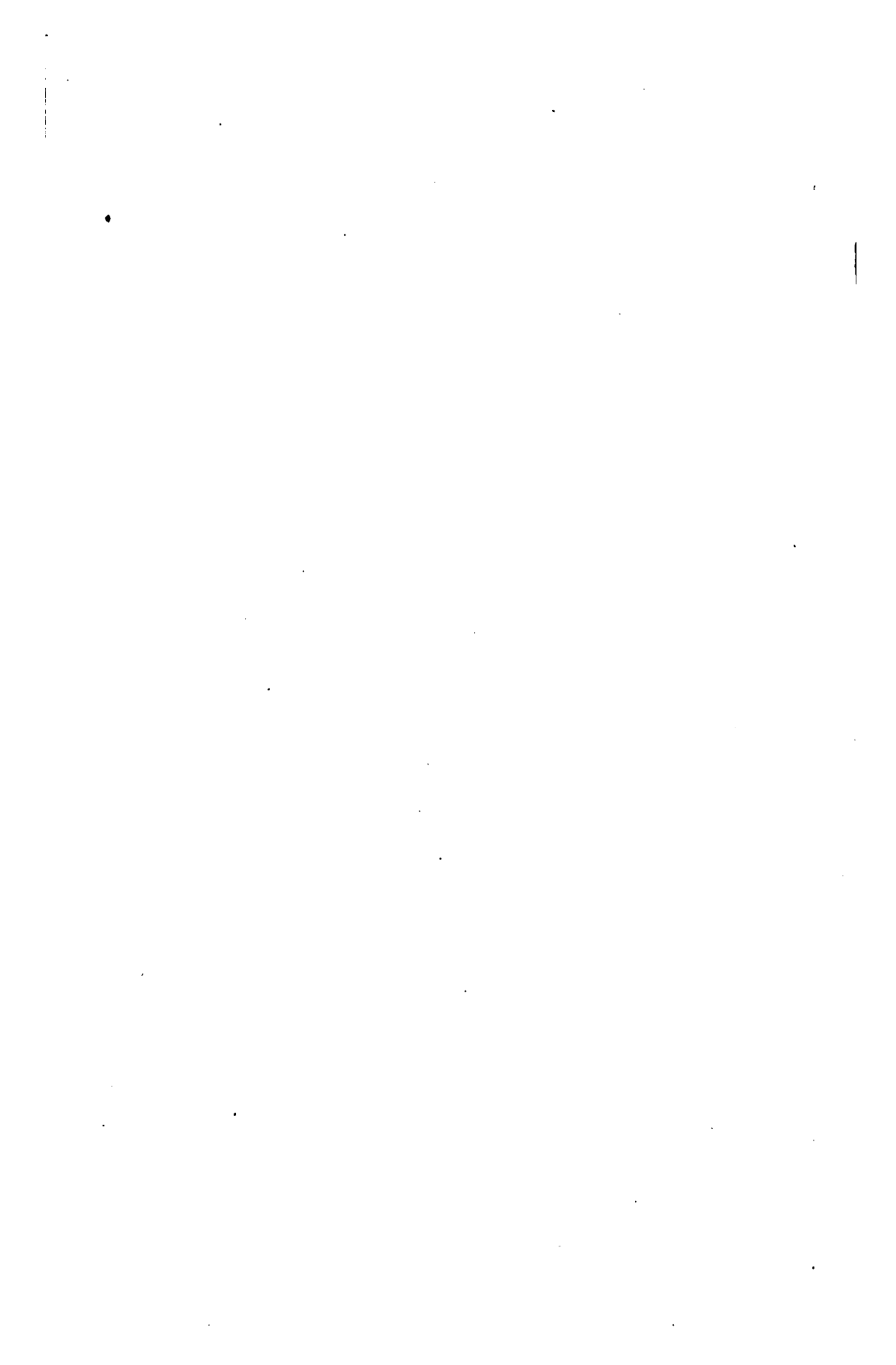


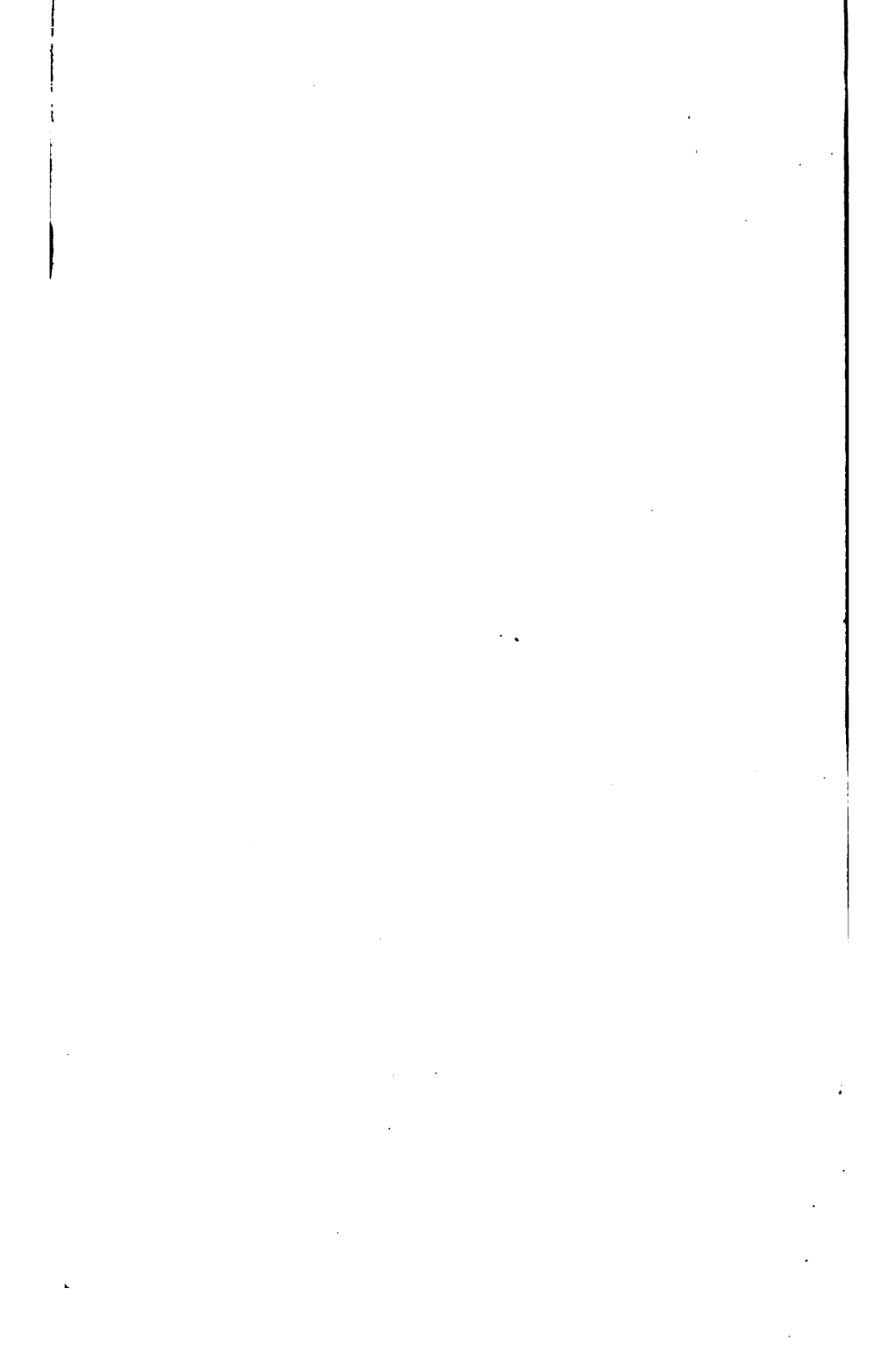
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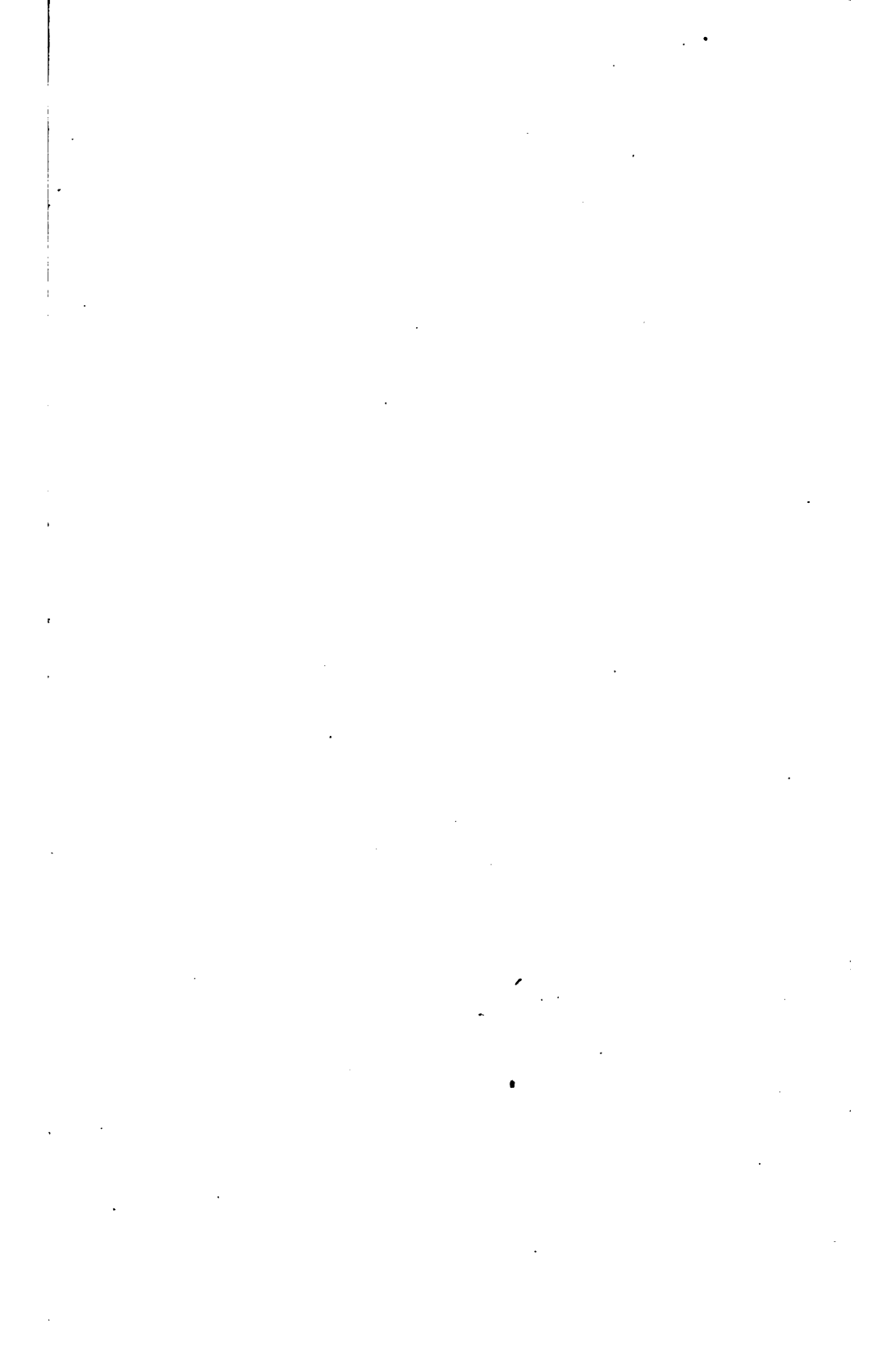
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